PB91-156695

RCRA Implementation Plan, FY 1990

(U.S.) Environmental Protection Agency, Washington, DC

1990

U.S. Department of Commerce
National Technical Information Service
NTIS

BIBLIOGRAPHIC INFORMATION

PB91-156695

Report Nos: EPA/530/SW-91/041

Title: RCRA Implementation Plan, FY 1990.

Date: 1990

Performing Organization: Environmental Protection Agency, Washington, DC. Office of Solid Waste and Emergency Response.

Supplementary Notes: See also PB91-156687.

NTIS Field/Group Codes: 68C, 43F, 91A

Price: PC A05/MF A01

Availability: Available from the National Technical Information Service,
Springfield, VA. 22161

Number of Pages: 86p

Keywords: *State implementation plans, *Hazardous materials, *Environmental surveys, Permits, Law enforcement, Remedial action, Standards compliance, Underground storage, Storage tanks, Pollution abatement, Pollution control, Waste management, Information transfer, Emergency planning, *Resource Conservation and Recovery Act, Clean-up operations, National Priorities List, Strategic Planning and Management System.

Abstract: The document outlines EPA's environmental program for FY 1990. It provides an overview of national program strategies, as well as priorities for permitting, enforcement, clean-up, and other activities for FY 1990. The most significant activities are included in the Strategic Planning and Management System (SPMS).

50272-101

REPORT DOCUMENTATION PAGE

1. REPORT NO.
EPA/530-SW-91-041

2.

PB91-156695

4. Title and Subtitle
FY 1990 RCRA IMPLEMENTATION PLAN

5. Report Date
1990

6.

7. Author(s)

PSPD/OSW

8. Performing Organization Rept. No

9. Performing Organization Name and Address

U.S. EPA
Office of Solid Waste
401 M. Street SW
Washington, DC 20460

10. Project/Task/Work Unit No.

11. Contract(C) or Grant(G) No.
(C)
(G)

12. Sponsoring Organization Name and Address

13. Type of Report & Period Covered
RIP 1990

14.

15. Supplementary Notes

16. Abstract (Limit: 200 words)

This document outlines EPA's environmental program for FY 1990. It provides an overview of our national program strategies, as well as priorities for permitting, enforcement, clean-up, and other activities for FY 1990. The most significant activities are included in the Strategic Planning and Management System (SPMS).

17. Document Analysis a. Descriptors

b. Identifiers/Open-Ended Terms

c. COSATI Field/Group

18. Availability Statement

RELEASE UNLIMITED

19. Security Class (This Report)
UNCLASSIFIED

20. Security Class (This Page)
UNCLASSIFIED

21. No. of Pages
0

22. Price
0

(See ANSI-Z39.18)

OPTIONAL FORM 272 (4-77)
(Formerly NTIS-35)

PB91-156695

EPA/530-SW-91-041
PB91-156 695

FY 1990

RCRA
IMPLEMENTATION
PLAN

TABLE OF CONTENTS

Page

ADMINISTRATOR'S OVERVIEW.................................... i

I. ASSISTANT ADMINISTRATOR'S OVERVIEW.......................... 1

II. ENVIRONMENTAL PROBLEM AREAS................................ 8

[Pages 8-34 are not included]

A. ADDRESS HAZARDOUS SUBSTANCE EMERGENCIES AND CLEAN UP UNCONTROLLED HAZARDOUS WASTE DISPOSAL SITES........... 8

1. Overview of the National Strategy................. 8

2. Major Activities.................................. 9

- a. Enhance Cooperation Between CERCLA and RCRA Cleanup Programs.................................. 9
- b. Maintain a Strong CERCLA Enforcement Program.... 10
- c. Meet Remedial Pipeline Statutory Mandates With Emphasis on Remedial Action.................. 11
- d. Focus Attention on Worst Sites First............ 13
- e. Make Good Use of Removal Authorities........... 13
- f. Enhance Community Outreach Efforts............. 15
- g. Identify, Evaluate, and List Sites on the NPL... 16
- h. Promulgate Regulations and Guidance that Articulate Remediation Standards and Selection of Remedy Procedures......................... 17
- i. Maintain and Improve Federal/State & Tribal Relations.................................... 19
- j. Implement Appropriate Remedial and Removal Management Techniques......................... 20
- k. Improve Retention, preparation and recruitment of key site cleanup personnel, particularly OSCs and RPMs, through the OSC/RPM Support Program... 21
- l. Maintain Efforts in the Oil Spill Program....... 23
- m. Implement CERCLA Response Actions at Federal Facilities.................................. 23
- n. Conduct Research that Improves Risk Assessment Capabilities and Risk Reduction Technologies in the Response Program........................ 25
- o. Ensure Appropriate Information Resources Management...................................... 29
- p. Continue to Assess Treatment and Disposal Capacity Need Through SARA 104(k).............. 30
- q. Provide Hazardous Substance Response Training... 31
- r. Promulgate Reportable Quantities............... 31
- s. Ensure High Quality Analytical Data for Decision Making.. 32

3. Appendix.. 34

Appendix I -- Superfund Program Key Supplemental Regulations and Guidance.......................... 34

B. ENSURE PROPER ONGOING MANAGEMENT AND CLOSURE OF SOLID AND HAZARDOUS WASTE FACILITIES [FORMERLY PUBLISHED AS THE RCRA IMPLEMENTATION PLAN (RIP)]................ 35

1. National Priorities.............................. 35

2. Permitting/Facility Closure/Post-Closure........... 39

3. Compliance Monitoring and Enforcement.............. 47

4. Corrective Action.................................. 57

5. Federal Facilities/Issues.......................... 62

6. Municipal Solid Waste.............................. 68

7. State Programs..................................... 72

8. State Grants and Work Programs..................... 76

9. Information Management............................. 81

[pages 84-108 are not included]

C. IMPROVE UNDERGROUND STORAGE TANK (UST) MANAGEMENT AND CORRECTIVE ACTION PRACTICES............................ 89

1. Overview of the National Strategy.................. 89

2. Major Activities.....................................90

a. States Develop UST Regulatory Programs.......... 90
b. EPA and States Develop Systems to Assure that Funding is Available for Corrective Action...... 93
c. EPA Identifies and Develops Methods to Improve Performance.................................... 94
d. EPA Facilitates a National Communication Network.. 96

3. Appendix.. 98

Appendix I -- UST Program Key Supplemental Regulations and Guidance.......................... 98

D. PREVENT AND PREPARE FOR CHEMICAL EMERGENCIES (TITLE III) GENERAL PREPAREDNESS...................... 99

1. Overview of the National Strategy.................. 99

2. Major Activities (CEPP)....................................100

a. Provide Leadership for Chemical Emergency Preparedness and Enhance Federal, State, and Local Preparedness and Response Capabilities....100
b. Provide Leadership in the Prevention of Chemical Accidents....................................101
c. Develop Risk Communication Techniques............103
d. Improve Information Management...................103
e. Conduct Title III Enforcement.....................104
f. Provide Leadership in Program Outreach............105

3. Major Activities (General Preparedness)............105

a. Provide Leadership for Earthquake Preparedness Program..105
b. Provide Leadership for National Security Emergency Preparedness (NSEP) Program and Internal Agency Crises Management Through the National Incident Coordination Team (NICT)......106

Appendix..108

Appendix I -- Title III Program Key Supplemental Regulations and Guidance..............................108

E. REGIONAL AND STATE INITIATIVES NOT COVERED BY NATIONAL PRIORITIES...109

1. Overview...109

2. Initiatives..109

III. ENVIRONMENTAL INDICATORS..............................110

A. SUPERFUND (OVERVIEW)...............................110

B. RCRA (OVERVIEW)....................................110

[page 111 not included] C. CEPP (OVERVIEW)....................................111

SPMS MEASURES AND DEFINITIONS........................Appendix

ADMINISTRATOR'S OVERVIEW

The following document outlines EPA's environmental program for FY 1990. It provides an overview of our national program strategies as well as priorities for permitting, enforcement, cleanup, and other activities for FY 1990. The most significant activities are included in the Strategic Planning and Management System (SPMS). Quarterly reports will inform me and other senior managers about EPA and state progress and accomplishments.

As we plan for FY 1990 and beyond, our Agency must seek better ways to manage this country's natural resources and protect the environment and public health. The challenge to protect the life sustaining ecosystem has never been greater. Together we can prevent -- not just abate -- pollution, address international environmental problems, and renew the nation's commitment to ecology and natural resource conservation.

Fundamental to all these goals is better management, stronger enforcement, and greater participation by the various groups with which we work.

Controlling Pollution is Not Enough: Pollution Must Be Prevented from Occurring in the First Place.

The country has learned the hard way that it costs much more to clean up pollution than to prevent it in the first place. The average cost of cleaning up a hazardous waste site under the Superfund program is now over $10 million and rising. Yet the United States generates billions of tons of effluents, emissions, and other wastes each year, including nearly 160 million tons of municipal garbage. Currently, each citizen generates about three-and-one-half pounds per day. Our nation's communities are running out of disposal options for this waste. The economically and environmentally sound answer is waste reduction and recycling.

EPA will work with state and local governments to meet a national goal of 25 percent waste reduction and recycling by 1992. We will renew the agency's national leadership role to help educate the American public on the importance of recycling and will provide technical assistance to state and local governments to help meet this goal. EPA will encourage industry to find substitute materials and industrial processes that are more efficient and reduce risk. Only with the commitment of each level of government, industry, and the American people will this nation be able to reduce pollution and protect public health and the environment.

Solving The Most Dramatic Environmental Problems Will Require Unprecedented International Cooperation.

Acid rain, global warming, ozone depletion, destruction of tropical rainforests, and ocean pollution -- all will require an unprecedented degree of international cooperation. Preserving the quality of the environment in this country will mean addressing these problems internationally. We must help more countries around the world develop without compromising the environment.

Historically, the United States has shared its scientific research and pollution control technologies with other countries. Our standards for air pollutants and automobile emissions have been adopted by many governments. Recognizing the global nature of many environmental problems, our country must begin to work with others to build the legal and institutional framework needed to address the problems internationally. The Montreal Protocol to protect the ozone layer from destruction by chlorofluorocarbons (CFCs) and the work of the Intergovernmental Panel on Climate Change are important beginnings. Our country must provide strong international leadership to address these and other global environmental problems.

Renewing the Commitment to Ecology and Natural Resource Conservation.

At the heart of EPA's mission is protecting the environment: the country's streams, marshlands, estuaries, lakes, seashores, and skies and the creatures they support. The American people expect tangible environmental progress; they expect that valuable natural resources will be preserved for future generations. EPA needs to monitor how well we are doing. Are we protecting our wetlands from the pressures of development? Are beaches safe for swimming, shellfish beds for harvesting crabs and oysters? The Agency must renew our commitment to preserving or improving the quality of important natural resources now threatened or degraded by pollution.

In addition, this Agency needs more long-term scientific research to help answer critical questions: How do toxic chemicals behave after they are released into the environment? What are the risks associated with long-term exposures to them? How resilient is the ecosystem? Improving our understanding of the relative risks of toxic pollutants in water or air will help EPA set priorities better. Knowing more about the sources of these pollutants -- e.g., from urban or agricultural runoff or small dry cleaning and other operations --will help us deal with the problems more effectively.

Getting More Environmental Results Means Better Management, Stronger Enforcement, and Greater Participation by the Public.

There is a great deal to do and never enough time, people, or money to do it all. The Agency must get smarter about setting priorities among competing environmental needs -- priorities based on the potential to reduce or prevent significant health and environmental risks. Over the next few years EPA's budget decisions will need to be more closely linked with analyses of where the greatest opportunities lie for reducing or preventing risks.

EPA also needs to get a better handle on the extent to which our national, regional and local programs are achieving tangible environmental results. We now realize, for example, that dispersing industrial pollutants with tall stacks may reduce emissions in close proximity to a source but may also bring acid rain to lakes thousands of miles away. We need to assess the long-term consequences of our nation's environmental strategies: Do they effectively reduce or eliminate risks or merely transfer them to another medium? If the programs created years ago have not effectively addressed problems such as ozone, ground water contamination, or acid deposition, then they must change.

Over the next few years EPA needs to redouble efforts to track environmental conditions and trends to evaluate the effectiveness of its programs. This Guidance document describes environmental indicators now available to do this and work underway to fill the gaps. In addition, regional, state and local managers will have to place greater emphasis on tracking the progress of their efforts. The environmental indicators developed to help manage environmental problems in the Pacific Northwest, the Great Lakes, and Chesapeake Bay should be a model for other managers.

Better management is not the only requisite. Equally important is executing EPA's primary responsibility to implement the environmental laws of this land and enforce them with a sense of vigor and urgency. If compliance with the regulatory structure slips, it could lead to serious degradation in environmental quality.

EPA's enforcement policies call for aggressive and timely actions. To meet the growing demands on compliance monitoring and enforcement, we must work effectively as a team. We must continue to build strong working relationships within EPA, with state and local governments, and with the Department of Justice. Those involved in an enforcement action need to agree on their respective roles early on and maintain good communications throughout.

We must place greater emphasis on enforcement in all programs. In particular, we must increase the cleanups conducted by responsible parties under Superfund through expanded enforcement. Finally, many of the best ideas are to be found across the country. They are being quietly tried and tested by state and local governments, private firms, and non-profit groups. We at EPA need to listen to their ideas and promote those that are successful. Our regional offices are in a good position to work with local innovators and facilitate the transfer of good ideas to interested managers across the nation and internationally.

I encourage every program office to consult broadly with industry, environmental groups, state and local governments, and other interested parties as we develop regulations, policies, and legislative proposals. A high priority for the next four years will be to build active, effective working relationships with diverse interests. Cooperative problem-solving by these parties has repeatedly borne fruit.

I look forward to working with the dedicated and knowledgeable staff at EPA and with our counterparts in state government. The full cooperation and involvement of everyone are needed to help this nation and the world achieve a healthy, productive environment.

William K. Reilly

William K. Reilly

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

I. ASSISTANT ADMINISTRATOR'S OVERVIEW

Introduction

The Office of Solid Waste and Emergency Response (OSWER) Operating Year Guidance for FY 1990 addresses EPA's goals, objectives, and program priorities for effective implementation of the national solid and hazardous waste, underground storage tank, and chemical emergency preparedness and prevention programs. Specifically, this guidance addresses key activities of: the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA); the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA); the underground storage tank management and leaking underground storage tank cleanup programs under RCRA Subtitle I; and the Chemical Emergency Preparedness and Prevention Program (CEPP) under SARA Title III. This guidance also addresses OSWER activities under the Medical Waste Tracking Act of 1988.

This year, for the first time, the implementation guidance formerly found in the RCRA Implementation Plan (RIP) will supplant and become the RCRA section of the OSWER annual operating guidance. The publication of the RIP and the annual operating guidance as one document eliminates duplication in guidance development and in guidance delivered. This year's RCRA section maintains the traditional format and content of the RIP so as to facilitate use of the document.

Overview

By the end of FY 1990, most of OSWER's core regulations for the solid and hazardous waste management programs will be in place. They will include: the revised National Contingency Plan (NCP); the revised Hazard Ranking System (HRS); a majority of the land disposal restrictions; technical and procedural regulations for corrective action at solid waste management units; and the revised criteria for municipal landfills. All of the major regulations for the underground storage tank and chemical emergency preparedness program will have been in place for a year or more. With all of the above procedures and policies in place, we will be able to give increasing attention to accelerating field activity, encouraging State and local hazardous and solid waste management efforts, and expanding enforcement efforts. This year's Operating Year Guidance focuses on streamlining Agency procedures and integrating program activities to apply allocated resources most efficiently. As in FY 1989, FY 1990 will also be a year of continued stability and progress in meeting statutory requirements and schedules. Our environmental goals for FY 1990 will continue to be: protecting human health and the environment by addressing hazardous substance emergencies and cleaning up uncontrolled hazardous waste sites under CERCLA; ensuring proper ongoing management and closure of solid and hazardous waste facilities under RCRA; preventing leaks from underground storage tanks and conducting corrective actions for leaks that threaten human health and the environment; and promoting community awareness of chemical hazards and developing State and local capabilities for preventing and responding to chemical accidents and emergencies under Title III of SARA.

Program Highlights

Superfund Program

In FY 1990 we recognize more than ever before the close, on-going relationship between the Fund and enforcement programs. During FY 1990, we will implement an integrated approach to program priorities that examines resource levels of specific activities against common goals to determine priority and funding levels of those activities. Principle among these goals are the following. After dealing with any emergency situations that may arise, the highest priority for the Superfund program is to move sites quickly into construction of cleanup activities while ensuring that potentially responsible parties (PRPs) are always the line of first resort for financing cleanup activities. Recognizing the interrelationship of the enforcement and Fund elements of the Superfund program, we will strive to maintain the operational integrity of all elements of the program.

Priority activities include support of emergencies and the removal program, support of on-going activities to their next phase of decision, support of those enforcement activities that move sites into construction (e.g., Remedial Design/Remedial Assessment (RD/RA) negotiations, expanded use of CERCLA section 106 authorities, pursuit of recalcitrants, de minimis settlements, cost recovery with statute of limitations problems, and other tools that maximize early response by PRPs), and support of remedial design and remedial construction projects. Other elements of the remedial pipeline and associated support must be maintained sufficiently to support a balanced program.

We will continue to coordinate Superfund activities with other Federal agencies such as the Department of Defense, the Department of Energy, the Department of the Interior, the Agency for Toxic Substances and Disease Registry, the National Oceanic and Atmospheric Administration, the Army Corps of Engineers and the Bureau of Reclamation.

We will continue to implement several management improvements which were introduced during FY 1989. To help streamline Superfund program site cleanups, we will continue the "project management" initiative. This results in greater efficiency and accountability by having one firm or organization with proven expertise in project management oversee all phases of the clean up process.

Full funding of RI/FSs and continued direction to complete RI/FSs within 18 months will continue in FY 1990, as will our attempts to encourage greater competition among Superfund contractors through the Alternative Remedial Contracting System (ARCS).

RCRA Program

We expect continued strong emphasis on the RCRA permitting and enforcement program to ensure that environmentally significant treatment, storage and disposal facilities receive the appropriate permitting and enforcement attention. As contained in last year's guidance and RIP, program priorities will be based on the human health or environmental risk posed by a facility or waste handler. Regions and States may make trade-offs within their programs in the range of 10% - 15% to carry out environmentally significant activities that may vary from the overall national program guidance. Regions and States are encouraged to take advantage of the RCRA program's flexibility initiative.

The RCRA corrective action program will be in full swing in FY 1990. The goal of the program is to maximize the number of site cleanups through a flexible program that addresses a wide variety of problems with streamlined study and decision-making processes. As in the Superfund program, we want to create a "bias for action." We also want to make the most efficient use of EPA, State, and owner/operator resources and expertise. The implementation of the Environmental Priorities Initiative (EPI) will be well underway in FY 1990. EPI, an integrated RCRA/CERCLA effort, will enable the Agency and authorized States to identify, evaluate, and clean up first those sites that present the greatest threat to human health and the environment.

FY 1990 will see the continuation of EPA's leadership role in the management of municipal solid waste. Final publication of the municipal solid waste Agenda for Action in FY 1989 and eventual promulgation of the revised criteria for municipal landfills will further increase EPA's responsibilities, as will expected RCRA reauthorization legislation. We expect to continue to rely on State and local government to implement municipal solid waste initiatives. The Federal role will be to develop State capability and otherwise promote sound municipal waste management nationwide. EPA will stress the importance of both recycling and source reduction in municipal waste management.

UST Program

The Underground Storage Tank program will also continue to rely on State and local implementation of the national program. FY 1990 goals will continue to be the effective regulation of USTs and the prompt cleanup of leaks through the building of effective State UST regulatory and clean up programs. EPA will work with the States to assure that funding is available for corrective action. EPA will also identify and develop methods to improve overall performance of the UST regulatory program and also establish a national communication network to promote information exchange.

It is anticipated that many State programs will be approved to operate in lieu of the federal program during FY 1990. Regions will continue to serve as field or service representatives assisting States to improve their capabilities and to resolve program implementation problems that arise.

CEPP Program and General Preparedness

With the exception of a final reporting threshold for Sections 311-312 (Material Safety Data Sheets, Emergency and Hazardous Chemical Inventory Forms), the regulations mandated by Title III have been promulgated. In FY 1990, the Chemical Emergency Preparedness and Prevention (CEPP) Program will be focusing on updating tools to aid State Emergency Response Commissions (SERCs), Tribes and Local Emergency Planning Committee (LEPCs) in the areas of preparedness, prevention, risk communication and information management. Implementation of the program will allow these entities to take appropriate action in the case of accidents and work toward preventing such accidents from occurring. The general preparedness program will provide leadership for earthquake preparedness planning and for the national security emergency preparedness program.

Cross-cutting Management Themes

Federalism

All OSWER programs are increasingly placing emphasis on State, tribal and local implementation. Emphasis on federalism in the RCRA hazardous waste, underground storage tank, and chemical emergency preparedness and prevention programs will continue in FY 1990 with continuing priority placed on HSWA authorization, including UST State program approval, and on the strengthening of the Local Emergency Planning Committees and State Emergency Response Commissions established under Title III of SARA. The medical waste tracking program and the revised municipal solid waste program will also rely on State and local implementation aided by an expanded Federal role in outreach, information gathering and dissemination, and other capability-enhancing activities.

The Superfund program will continue to take advantage of Superfund Memoranda of Agreement, Core Program Cooperative Agreements, the Local Government Reimbursement Program, and other mechanisms to enhance State and local participation in the Superfund program.

Federal Facilities

The goal of OSWER's Federal Facilities Hazardous Waste Compliance Program is for Federal facilities to achieve the same level of environmental protection as non-Federal RCRA-regulated facilities and Superfund sites. Therefore, in FY 1990 we will continue to emphasize Federal facility compliance through implementation of practical, action-oriented policies for resolving compliance disputes, selecting enforcement approaches, and developing interagency agreements. We will emphasize application of EPA's timely and appropriate enforcement criteria and the use of elevation procedures for resolving disputes in a timely manner. Integrated RCRA/CERCLA compliance strategies will be stressed as will development of a national priority-setting system for Federal facility cleanups.

Integrated Technology Transfer and Training

Consistent with the EPA's initiatives in technology transfer and training, OSWER will give emphasis to developing and improving needs assessment procedures, alternative forms of delivery, and evaluation and feedback mechanisms. The Technology Transfer Strategy and Training Policies and Procedures will be implemented with the goal of integrating training and technology transfer into dealings with Regions and States in such a way as to build peer-to-peer and partnership relationships. OSWER will continue to work with the Office of Research and Development (ORD) to manage the Superfund Innovative Technology Evaluation (SITE) program and to ensure that OSWER and Regional long-term and short-term research needs receive adequate priority in budget requests and research planning through the Hazardous Waste/Superfund Research Committee.

Headquarters will include training and technology transfer as components of Regional Program Reviews to identify instances where training or technology transfer activities might resolve potential problems before they become compliance issues. All proposals to delegate regulatory or enforcement functions to State or local governments must include a comprehensive assessment of training and technology requirements, and identify the extent to which EPA will provide assistance in meeting those requirements. Headquarters will also continue to implement the Technology Support Project with the Regions and ORD laboratories in Superfund and initiate and implement a similar Technology Support Project for RCRA issues. Maximum opportunity will be made available for personnel to attend training and technology transfer activities related to job performance or career enhancement goals. Structured curricula, including required training and certification programs, will be developed on the basis of job performance needs, and Individual Development Plans completed for all staff to ensure that skill needs are met.

FY 1990 will be the first full year of the On-Scene Coordinator/Remedial Project Manager (OSC/RPM) Support Program. New OSCs and RPMs will participate in the OSC/RPM Basic Training Academy and in the Mentor program. All OSCs and RPMs will be ranked in the Structured Training and Evaluation Program, and experienced OSCs and RPMs will be able to enroll in Superfund University Training Institute workshops.

Regions will include training and technology transfer as part of each State audit to obtain input on training and technology transfer needs and potential solutions. Training activities will be coordinated with Headquarters consistent with the OSWER Training Policies and Procedures, and maximum opportunity will be provided for personnel to attend training and technology transfer activities. Headquarters will explore working through the National Governors' Association (NGA) and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to include States in training and technology transfer activities. Regions will work with States to encourage them to participate in appropriate training. Regions will coordinate joint training for State and Regional personnel when feasible and appropriate. The Regions will also continue to work with ORD and OSWER to implement the SITE program, recommend sites for demonstrations, and continue to implement the Superfund Technology Support Project Forums within the Regions. The goals of the Forums shall be to improve communications between ORD and Regional staff and to funnel requests for technical assistance to ORD Laboratories participating in the Technology Support Project.

Information Resource Management

In FY 1990, Headquarters and Regional top management will remain involved in information resource management (IRM) decision making. We will continue to emphasize and improve our strategic planning activities in order to assure that IRM effectively support OSWER's programmatic mission.

We will also continue our data administration and system life cycle management initiatives to insure that we have high quality and consistent data which can be shared and integrated across programs in Headquarters, Regions, States and local governments.

Automated tools can be used to leverage extremely tight staff and resources. However, the acquisition and application of new technologies often has an adverse impact on resources, particularly during the early stages. Although we plan to increase our emphasis on the provision of appropriate automation tools, the resource and programmatic impacts will be fully assessed prior to the acquisition of new technology or the development or expansion of systems. These automation tools will incorporate current and emerging hardware, software, and telecommunication technologies in such areas as geographic information and expert systems, local area networks, bulletin boards for technical information exchange, computer graphics, interactive video, optical disk storage, point-of-origin data capture and transmission, and project management packages.

We also plan to expand our successful FY 1988 and FY 1989 records management initiative to include the RCRA program. The program in previous years involved implementation of CERCLA records management systems in both Headquarters and the Regions.

B. ENSURE PROPER ONGOING MANAGEMENT AND CLOSURE OF SOLID AND HAZARDOUS WASTE FACILITIES [THIS SECTION FORMERLY PUBLISHED SEPARATELY AS "THE RCRA IMPLEMENTATION PLAN" (RIP)]

1.0 NATIONAL PRIORITIES

1.1 Program Direction

The goal of the Resource Conservation and Recovery Act (RCRA) program is the protection of human health and the environment. In past years the annual RCRA Implementation Plan (RIP) provided the national direction and framework for establishing priorities for the implementation of RCRA. This year the RIP has been incorporated into the Agency's Annual Operating Guidance Manual. The RIP will continue to provide direction needed to establish the State work programs and Regional work plans as appropriate. Unlike any previous RIP, this year the implementation guidance contains a municipal solid waste section. This new section on municipal solid waste addresses implementation strategies to support the Agency's goal of achieving a 25% national level in source reduction and recycling by 1992, as well as the development of the new criteria for municipal solid waste landfills (see Section 6). Additionally, a waste minimization discussion has been provided (see Section 8) to assist Regions and States in identifying and implementing opportunities to develop multi-media programs which focus on incorporating source reduction and recycling activities.

In FY 1990, as in FY 1989, the RCRA program will be results oriented. The Regions and States will be issuing permits, inspecting facilities, enforcing facility compliance, requiring implementation of corrective action measures, implementing the Environmental Priorities Initiative (EPI), overseeing clean closures, implementing the two year medical waste demonstration tracking program, and taking other actions to protect human health and reduce the risk to the environment. EPA should continue to work with States participating in medical waste tracking activities through completion of the pilot program and final evaluation. Priorities for the above activities will be based on the environmental benefits expected to be achieved. Headquarters will develop and revise regulations and guidance as appropriate in an effort to respond to statutory requirements and to ensure effective implementation of the program.

Integrated use of all the management, technical, and enforcement resources in a strong Federal and State partnership will be necessary to achieve program progress. CERCLA authority and resources when available will be used to assist the RCRA program in addressing significant environmental problems, which may include facilities accepting CERCLA wastes, closing facilities, and Federal facilities needing corrective action. Regions and States may want to consider using other non-RCRA authorities, both State and Federal, as appropriate.

1.2 RIP/Operating Year Guidance Framework

The purpose of the RIP/Operating Year Guidance is to establish national priorities and address all activities which support a comprehensive model RCRA program. However, certain of the identified national priorities and activities may not be applicable in every State or Region; thus, Regions and States are encouraged to identify Regional RCRA priorities where State or Regional priorities would yield significant health or environmental benefits. Although the 1992 storage and treatment permitting deadline and the statutorily mandated inspections remain important goals for the next two years, priority should be given to those storage and treatment facilities that have been deemed environmentally significant. Some reallocation of resources from these activities, and from the other national priorities, to other environmentally significant activities may be justified as explained further in FY 1990 Regional Work Plans (see below). In FY 1990, as in the case of FY 1989, trade-offs in the range of 10%-15% of State and Regional resources may occur.

As we continue to place emphasis on health and environmental benefits in priority setting, it becomes increasingly important for RCRA program managers to refine and apply their screening and ranking systems to identify those hazardous waste handlers posing significant health and environmental risks. Regions should use the Environmental Priorities Initiative (EPI), the facility management plan and multi-year strategy process, and/or Region-specific systems to rank facilities and establish priorities for program activities. In FY 1990, Regions will continue to expand their priority efforts to include all RCRA treatment, storage, and disposal facilities, whether operating or closed, and other handlers as appropriate. (See J. Winston Porter's memorandum, dated December 14, 1987, "RCRA Program Directions for FY 1989", OSWER Directive Number 9421.00.) As environmentally significant handlers are identified and selected for action, Regions are to choose the most appropriate mechanism (e.g., permit, post-closure permit, Section 3008(h) order, CERCLA authorities, State authorities, closure plans, post-closure plans) to achieve environmental results.

The activities in the following table are the highest priority activities at the national level.

1.3 Highest Priority Activities

- Identify and prioritize environmentally significant treatment, storage and disposal facilities, including closing land disposal facilities. Address other environmentally significant handlers on a priority basis and initiate corrective action and closure activities at these facilities on a worst-first basis through an operating permit, post-closure permit, corrective action order, approved closure plan or CERCLA action, as appropriate.

- o Process permits and permit modificat facilities, especially those providing capacity, Research Development & De applications, and commercial treatm incorporating pollution prevention te

- o Complete final permit determinations facilities by November 1989; work t permit determinations on env: storage/treatment facilities are made

- o Encourage facility compliance, condu by HSWA, SARA, and Agency policy and p significant violators.

grants process - 70
RIP flex 10
Reg'l liaison - 25
[illegible]
C.A - 10
grants issues 20
incl. 3011 progr.
RIP - ~~40~~ 35

- o Encourage, as resources allow, the development and implementation of Regional and State programs that reduce or eliminate the generation of hazardous waste and solid waste with a multi-media perspective.

- o Improve Federal/State partnership by improving authorization process, providing incentives for State applications, and building State capability through training and technical assistance.

- o Support RCRIS and other information management activities to ensure comprehensive, quality data to facilitate effective management of the hazardous waste program.

1.4 FY 1990 Regional Work Plans

In addition to addressing the highest priority activities in Section 1 that are applicable in a given Region or State, Regions or States will also need to continue to manage other aspects of the RCRA program (e.g., regulatory implementation strategies), special RCRA initiatives, and State Oversight.

The Regions are then to consider the identified priorities and activities in relation to allocated resources and work with the States to develop Regional work plans. To the extent that Regions deviate from national priorities (such as addressing environmentally significant handlers, or the 1992 storage and treatment permit deadline and/or statutorily mandated inspections), Regional work plans will briefly explain why the national priorities will not be met and identify activities at specific handlers, as appropriate (this may be addressed in a RIP flexibility plan). Commitments for FY 1990 will be based on completing as many of the priority activities as resources allow, taking into account the resources needed for support activities and special RCRA initiatives as well. These work plans are not intended to be comprehensive, detailed analyses, but rather they should contain sufficient detail to negotiate FY 1990 commitments and SPMS targets. Regions may want to model their work plans and RIP flexibility plans in a consistent format. Headquarters will provide guidance and a model format for Regions to use in developing RIP flexibility plans. This format will be available May 1, 1989.

Since the work plans will be used as the basis for negotiating Regional commitments and SPMS targets, draft Regional work plans are to be submitted by July 15, 1989. Regions are encouraged to have final work plans and commitments negotiated with each State by August 19, 1989. In past years final Regional/State work plans have not been achieved in a timely basis. As a result EPA Headquarters is requesting ideas and comments in order to expedite these issues. Work plans are to be submitted concurrently to the Director, Permits and State Programs Division, OSW, and the Director, RCRA Enforcement Division, OWPE.

2.0 PERMITTING/FACILITY CLOSURE/POST-CLOSURE

2.1 Program Objective

Decisions and priorities for the permit and closure program, including corrective action, are to be based on environmental benefits expected to be achieved, as discussed in Section 1. The objectives of the FY 1990 permit and closure program are to: 1) address operating, closing, and closed facilities with a high quality, enforceable approach; 2) process permit modifications in order to support permit schedules of compliance; 3) ensure corrective action at environmentally significant operating, closing, and closed facilities; and 4) follow through on approved closure plans, as necessary, in order to minimize the post-closure escape of hazardous constituents into the environment. Sections 3008(a), 3008(h) and 3004(u) of HSWA and various State authorities provide flexible tools for ensuring the environmental integrity of operating and closing/closed facilities.

2.2 Relation to FY 1989 RIP

Greater emphasis on:

- developing Regional RIP Flexibility plans of environmental significance; and
- oversight and technical evaluation of permit submittals for corrective action.

Continued emphasis on:

- making final permit determinations for the remaining operating hazardous waste incinerator facilities, to be completed by November, 1989;
- establishing multi-year strategies for corrective action activities, post-closure permit determinations and environmentally significant storage/treatment permit determinations;
- maintaining priorities for all facilities based on the environmental significance of the facility and the human health and environmental benefits achieved through operating or post-closure permit determinations or closure plan approval;
- post-closure permits;
- processing and tracking permit modifications, permit schedules of compliance, and permit appeals;
- approving closure plans, including corrective action as necessary, for land disposal facilities that lost interim status; activities necessary to support closure plan schedules;

- re-examining facilities that closed by removal; and
- the 1992 deadline for environmentally significant storage and treatment permits.

2.3 Overview of Activities

Priority Setting

Section 1 addresses environmentally significant handlers as one of the highest priorities for FY 1990. Section 1 discusses a general framework for determining which handlers are environmentally significant and for selecting an effective mechanism to address environmental concerns.

Facility management plans and multi-year strategies are useful tools for establishing priorities based on environmental significance, as well as supporting resource planning and workload allocation. In FY 1990 Regions and States should continue the development of multi-year strategies. After these tracking tools are developed, or improved, Regions and States are advised to update their multi-year strategies and facility management plans to ensure that priority attention is focused on those handlers and activities causing or potentially causing the greatest health and environmental threats. This planning process should include all hazardous waste activities and handlers, with priority given to those actions which are expected to result in the greatest health and environmental benefits. Regular discussions between the Regions and the States are encouraged to ensure effective planning. These discussions may occur during routine conference calls or meetings, grant negotiations, quarterly reviews or other appropriate meetings. As noted in Section 1, Regions and States may use the EPI or Region specific systems to plan and establish priorities.

Statutory Deadlines/Requirements

The November 1989 deadline for incinerator permits is an important objective in the beginning of FY 1990. Consideration should also be placed on those activities Regions and States are undertaking to meet the storage/treatment deadline. Regions and States should be processing storage and treatment permits in a priority scheme which correlates with the following: facilities with high corrective action potential, significant non-compliance and facilities providing alternative treatment capacity. Regions should note that the Joint Permitting Policy (RCRA Reauthorization Statutory Interpretation # 5, July 1, 1985) is applicable to such permit issuance.

In addition to imposing statutory deadlines for permit decisions, HSWA requires permits to address corrective action for releases. At a minimum, an assessment for release must be completed prior to permit issuance. Also, Regions may issue Section 3008(h) orders prior to permit issuance. Where corrective action activities are not completed prior to issuance, the permit must contain a corrective action schedule of compliance as discussed in Section 4.

The first phase of air standards (Subparts Z and AA to Parts 264 and 265) are scheduled to be promulgated in late August 1989 for process vents and equipment leaks at treatment, storage, and disposal facilities. Starting in late February 1990 (air rule effective date), State and Regional offices will be receiving from affected facilities a notification of applicability and a notice that these air rules have been incorporated into new Part B applications. The second phase of air standards will control tanks, impoundments, containers, accumulation tanks, and waste fixation units, and is scheduled to be promulgated in 1991.

Review of Permit Conditions/Permit Schedules of Compliance/Permit Modifications/Approved Closure Plan Activities

In FY 1990, RCRA workloads will be associated with reviewing documents and other submittals in accordance with permit conditions, overseeing permit schedules of compliance and approved closure plan activities, processing permit modifications and addressing permit appeals. Regions and States should expect a greater number of permit modifications in FY 1990 due to several factors. Amendments to the procedures for permit modification (53 FR 37912, September 28,1988) should expedite the modification process. Closures, corrective action, and the addition of newly-listed or identified wastes due to the final Organic Toxicity Characteristic rule are developments that will require facilities to seek permit modifications. Owners/operators may also use modifications to add new units and increase capacity.

To achieve the greatest health and environmental benefits, attention should be placed on permit modifications for groundwater (Subpart F), HSWA corrective action, and expansion/new units which result in reduced risk to human health and/or the environment or increased treatment capacity. Additional emphasis should be placed on modifications which support improved facility management. Regions or States may modify permits without the permittee's agreement when the standards or regulations on which the permit was based have been changed by statute or amended standards or regulations (40 CFR Section 270.41(a)(3)).

Close attention will be placed on permitted facilities with schedules of compliance in order to ensure compliance with milestone dates and with planning/scheduling resultant permit modifications. Compliance with milestone dates will also be tracked in regards to facilities with approved closure plans. Activities to support these efforts should be considered when developing and updating facility management plans and multi-year strategies (or other management systems) and associated workload planning.

Regions and States will use existing management tracking systems, or develop tracking systems as necessary for selection-of-remedy decisions for corrective action and associated milestones.

Regions and States will maintain complete administrative records for each selection-of-remedy decision made regarding HSWA corrective action.

Alternatives to Land Disposal/Additional Capacity

Closures, more stringent land disposal facility requirements, and the land disposal bans continue to have an increasing impact on the capacity used to handle hazardous wastes. This situation requires continued emphasis on the processing of: 1) new storage, treatment, and disposal permit applications; and 2) changes to existing interim status facilities and to permit modifications which will expand storage, treatment, and incineration capacity, or which will reduce the production and/or toxicity of hazardous waste.

Processing of RD&D permit applications will aid in the development of safe alternatives to land disposal of hazardous wastes. RD&D permits must be tailored to the scope of the research proposal and include those conditions necessary to protect human health and environment. See Guidance Manual for Research, Development, and Demonstration Permits under 40 CFR, Section 270.65, dated July 1986 (EPA/530-SW-86008; OSWER Policy Directive #9527.00-1A). States are encouraged to adopt equivalent RD&D regulations as soon as possible so that applicants are not precluded from obtaining RD&D permits by State law.

Further opportunities to permit alternative treatment facilities exist with Subpart X regulations for miscellaneous units. Until States are authorized for Subpart X, EPA may issue a permit to a new facility under Subpart X in an authorized State. The Subpart X standards are not effective in authorized States for units that had interim status at the time the State became authorized because these new requirements were not issued pursuant to HSWA. Additional guidance is being developed and will be available.

Post-Closure Requirements for Closure by Removal

Under the FY 1989 RIP, Regions and States were required to develop a strategy for addressing facilities that closed by removal without complying with the 40 CFR, Part 264 standards. The strategy developed should have addressed these facilities, either through a post-closure permit or an enforcement order, based on environmental benefits.

During FY 1990, this strategy should be implemented; facilities which have not been addressed will need to be addressed. Specific clean up activities will be tracked in facility management plans, if developed, and the Region's multi-year strategy.

Closure

In the past three years, the RIP directed Regions and States to continue approving closure plans for closing or closed Loss of Interim Status (LOIS) facilities. In addition, Regions and States were to continue conducting RFAs at closing or closed LOIS facilities. During FY 1989, the Regions and States were encouraged to use the facility management planning process, the EPI, or Region specific systems to establish priorities for approving closure plan activities at the remaining closing and closed LOIS facilities.

In FY 1990, closure activities (review and approval of closure plans, monitoring closure plan schedules) for non-LOIS facilities will also be reflected in the management planning process and multi-year strategies. Priorities for these activities will be based on the environmental significance of the facility and the environmental benefits expected to be achieved, as indicated in Section 1.

Public Involvement

Effective implementation of the expanded public involvement program continues to be an integral part of RCRA activities. Public involvement plans developed in previous years for targeted facilities will be implemented during FY 1990. Additional facilities that warrant expanded public involvement should be identified in FY 1990. State work programs will contain specific public involvement activities with appropriate grant funds identified. For additional guidance, Regions and States may refer to "Guidance on Public Involvement in the RCRA Permitting Program," dated January 1986. Regional RCRA staff should coordinate with CERCLA community relations and enforcement activities to ensure that the mutual objectives of both community involvement programs are met. This is especially important for RCRA sites still included on the National Priorities List (NPL).

2.4 Major Activities:

Headquarters:

- o Continue to develop hazardous waste regulations and applicable guidance pertaining to permitting, facility closure and post closure.
- o Provide assistance in reviewing permit modifications and permit determination.

Regions:

- o Assist States in establishing a tracking strategy for permitting activities.

- Review and process HSWA permit determinations on remaining incinerator facilities, and on environmentally significant post-closures, operating storage/treatment facilities.

- Continue conducting base program (for unauthorized programs) and HSWA permitting activities (for States unauthorized for those activities).

- Address permit modifications pursuant to amendments of the permit modification rule in unauthorized States. As a result, closure, corrective action and new waste listings may be addressed through this rule.

- Address permit appeals.

- Encourage States to obtain authorization required pursuant to the amendments of the permit modification rule to facilitate the permitting process associated with modifications.

States:

- Review and process permit determinations on remaining incinerator facilities, and on environmentally significant post closures and operating storage/treatment facilities.

- Address permit modifications.

- Continue to oversee facilities that have closed by removal, in order to ensure that environmentally significant facilities are being addressed through remediation.

2.5 List of New and Proposed Regulations

Location Standards for Hazardous Waste facilities.
  Workgroup closure: 08/20/90
  Publish Final Rule in Federal Register 03/24/91
  Propose and issue final standards for the location of hazardous waste treatment, storage and disposal facilities, in response to RCRA 3004 (o)(7).

Re-definition of Tank/Surface Impoundment/Waste Pile.
  Publish Proposal in Federal Register: 07/11/89.
  Review and Evaluate Comments: 10/28/89.
  Draft Final to Workgroup: 01/09/90.

Permitting Procedures for Experimental Facilities (Subpart Y).
  Publish Proposal in Federal Register: 09/08/89.
  Public Comment Period ends: 11/01/89.

No Migration Rule and Guidance.
  Workgroup Closure: 12/31/89.
  FRM and Final Guidance in FR: 05/31/90.

Definition of terms "no migration", "point of compliance", "reasonable degree of certainty". Use of health-based concentrations and applicability of no migration to air pathway.

Technical and Procedural Regulations for C.A. at SWMUs.
Workgroup Closure: 11/01/89.
Publish Final Rule: 03/07/90.
Propose and issue final regulations setting forth procedural and technical requirements for corrective action at SWMUs.

Regulatory Amendments for Groundwater Corrective Action.
Public Comment Period ends: 06/01/89.
Workgroup Closure: 11/15/89.
Publish FRM: 08/01/90.
Regulatory Amendments for groundwater corrective action pursuant to Subpart F.

Groundwater Rule Amendments.
Workgroup Closure: 06/15/89.
FRM in Federal Register: 10/12/89.
Formerly: Groundwater Monitoring Hazardous Waste Facilities -ACLs.

Bevill Processing Wastes.
Public Comment Period ends: 11/21/88.
Publish FRM in Federal Register: 02/15/89.
Rule will narrow the scope of Bevill Exemption for smelting, and refining wastes.

Establishment of Regulations on Burning of Hazardous Waste in Boilers, Industrial Furnaces, and Cement Kilns.
Public comment period ends: 02/01/89.
Workgroup Closure: 08/04/89.
Publish FRM: 02/07/90.
Development and promulgation of standards for boilers and industrial furnaces burning hazardous waste.

Amendments to Regulations on Hazardous Waste Incinerators.
Public comment period ends: 02/01/89.
Workgroup Closure: 08/04/89.
Publish FRM: 02/07/90.
Development and promulgation of conforming amendments to the existing incinerators standards.

Air Standards - For Process Vents and Equipment Leaks at TSDF.
Proposal Date: 02/5/87
Working Group Closure: 04/17/89
Publish Final Rule in FR: 08/31/89
Issue standards for air emissions from hazardous waste treatment, storage and disposal facilities, in response to RCRA 3004 (n).

Air Standards - For Tanks, Surface Impoundments, Containers, Accumulation Tanks, and Waste Fixation Units at TSDF.
Working Group Closure: 3/8/89

Publish Proposed Rule in FR: 11/24/89
Publish Final Rule in FR: 03/91
Propose and issue standards for air emissions from hazardous waste treatment, storage and disposal facilities, in response to RCRA 3004 (n).

Industrial Waste Disposal Facilities: Reporting Requirements.
Workgroup Closure: 07/07/89.
Final in Federal Register: 12/19/89.
Development of Notification Requirements for Industrial Waste Landfills, Surface Impoundments, Waste Piles, and Land Application Units.

Listing - Wood Preserving Manufacturing Wastes.
Workgroup Closure: 11/27/89
FRN in Federal Register: 05/15/90.

Financial Test Criteria Revisions - RCRA Subtitle C.
Workgroup Closure: 05/16/89.
NPRM in Federal Register: 11/07/89.

Note: The above listed dates were the most recent at the time of publication. They are subject to change, and they may differ from those listed in the Administrator's Tracking System (ATS).

2.6 Relevant Guidance Documents:

Corrective Action Guidances.
Complete detailed RCRA-CA decision making: 04/28/89.
G.W. Remediation Handbook Federal Register notice: 06/30/89.
Videotapes for C.A. Technologies: 08/25/89.
Draft Technical Guidance to the Regions for review: 09/30/89.

Air Emissions - Technical Guidance Documents:

1. Control of Air Emissions from Process Vents and Equipment Leaks at TSDF.
   State Working Group Review: 03/17/89
   Distribute Final Document: 08/31/89

2. Control of Fugitive Particulate Air Emissions from TSDF.
   Start Working Group Review: 04/7/89
   Distribute Final Document: 08/31/89

3.0 COMPLIANCE MONITORING AND ENFORCEMENT

3.1 Program Objective

The compliance monitoring and enforcement program objectives are to ensure compliance and to take corrective action for releases. Timely and appropriate enforcement action should be taken against violators.

The program continues its transition from enforcing pre-HSWA interim status requirements to enforcing requirements in permits and closure plans, requiring and enforcing corrective action in permits and orders, and enforcing other major HSWA requirements, including the land disposal restrictions. Emphasis continues on prioritizing actions by focusing on environmentally significant facilities.

3.2 Relation to FY 1989 RIP

Greater emphasis on:

- o Incinerator inspections.

Continued emphasis on:

- o Meeting statutory inspection requirements.
- o Enforcement of land disposal restrictions.
- o Federal facility compliance activities.
- o Criminal prosecution where appropriate.
- o Assuring compliance with permits and final orders, particularly corrective action requirements.

Decreased emphasis on:

- o Inspections at closed land disposal facilities (LSFs).

3.3 Overview of Activities

Inspections

Inspection priorities are governed by: 1) statutory requirements; 2) the Agency's strong emphasis on groundwater protection; 3) the importance of compliance with permit and closure plan requirements, particularly schedules of compliance; 4) the importance of overseeing corrective action; and 5) the importance of enforcing the major HSWA requirements, particularly the land disposal restrictions.

Inspections in FY 1990 are discussed in two categories: (A) "priority inspections" which fulfill statutory requirements and

Agency policy, and (B) "other inspections" recommended to support program goals. Significant aspects of inspections in all categories are discussed under "C. Inspection Requirements".

Case Development Inspections are to be conducted where necessary to file high priority enforcement actions and to support such existing cases.

A. Priority Inspections

1. Handlers presenting immediate threat to health or the environment

   Inspections should be conducted to provide necessary documentation for enforcement actions where EPA or the State has information that handlers may present an immediate threat to human health or the environment.

2. Government facilities

   RCRA section 3007(d) requires that EPA annually conduct a Compliance Evaluation Inspection (CEI) at every facility owned or operated by a State or local government. Inspections of State and local government facilities must be reported as EPA inspections. State inspections cannot substitute for EPA inspections at State or local facilities.

   Section 3007(c) requires that all Federally owned or operated TSDFs be inspected yearly. In FY 1990 States will have the lead for conducting the majority of Federal facility inspections.

   Mixed wastes will be an increasing priority. In coordination with the Nuclear Regulatory Commission, OWPE is developing a mixed waste inspection guide and enforcement strategy. This guidance should be available during FY 1990.

3. Commercial TSDFs receiving CERCLA waste

   Inspections must be conducted, as necessary, to maintain CERCLA-eligible capacity. CERCLA funds may be utilized for these inspections. Detailed requirements are described in "Revised Procedures for Planning and Implementing Off-Site Response Actions," dated November 13, 1987. Briefly:

   a) Units receiving CERCLA waste must be in full physical compliance with applicable State and Federal requirements. To satisfy this requirement TSDFs which receive CERCLA waste must have been inspected within six months prior to receiving CERCLA waste; and

   b) Land disposal facilities receiving CERCLA waste must have received an Operations and Maintenance Inspection (O&M) or a Comprehensive (Ground-Water) Monitoring Evaluation

(CME) within the year prior to their receipt of CERCLA wastes.

There must be no releases from units which are to receive CERCLA waste. Other releases must be addressed by a corrective action program according to the criteria set out in the Off-Site Policy.

4. Land disposal facilities

a) RCRA Compliance Inspection:

Each operating, permitted, or closing land disposal facility (LDF) (except Underground Injection Control (UIC)-only facilities which are inspected by the UIC program) must receive an annual RCRA compliance inspection conducted by the Region or State. Closed LDFs must be inspected at least once every other year, except those clean-closed by removal.

In addition to assuring compliance with the facility permit, inspections of operating land disposal facilities should focus on documenting compliance with corrective action compliance schedule(s).

As of November 8, 1988, hazardous waste must be placed only in surface impoundments which were retrofitted or exempted from the retrofit provisions. Inspectors must verify that no hazardous wastes were placed in these impoundments after November 8, 1988. Inspections must further verify that these units have closed or are closing in accordance with the approved closure plan.

b) Operation and Maintenance Inspection (O&M):

In FY 1990, one-third of the land disposal universe will receive either an O&M or a CME. The O&M inspection is designed to confirm that a facility's ground-water monitoring system continues to function as designed.

The CME will continue to be necessary at certain facilities which: 1) though permitted have complex compliance or corrective action requirements at regulated units; 2) have questionable groundwater monitoring systems (GWM) (e.g., a closing facility required to re-do site characterization, a facility where a previous CME was of poor quality); or 3) have made major changes to their GWM system.

5. Treatment and storage facilities (TSFs)

Regardless of whether inspected in FY 1989, during FY 1990 inspections are to be conducted at all incinerators. Final incinerator inspection guidance will be available before FY

1990. In addition, inspections must be conducted at a minimum at all other TSFs not inspected during FY 1989, in accordance with RCRA section 3007(e). Government TSFs receive annual inspections as discussed above. (For corrective action oversight requirements see Section 4.)

6. Generators and transporters

As the land disposal restrictions become effective, generators must receive greater attention. Additionally, requirements governing transporters of hazardous waste must be enforced. Regions and States should perform inspections at large quantity (i.e. >1000 kg./month) generators, other environmentally significant generators, and transporters. The total number of these inspections will be based upon approximately seven percent of the number of large quantity generators.

Another possible effect of the "Land Ban" is the increased export of hazardous wastes. Documentation related to requirements governing the export of hazardous waste must be checked, where appropriate, in accordance with the National Enforcement Investigation Center's "Enforcement Strategy, Hazardous Waste Exports" (March 24, 1988).

B. Other Inspections

The Medical Waste Tracking Act of 1988 requires EPA to establish a demonstration medical waste tracking program in certain States. It also provides inspection and enforcement authorities similar to those of RCRA Subtitle C. EPA plans to promulgate an interim final rule during February, 1989. Supplemental guidance on conducting inspections and enforcing requirements will be issued as well.

While not dictated by statute or specific policy, other inspections are also very important to the program. The Regions and States have discretion in determining which other inspections to conduct, consistent with environmental and programmatic priorities. The following are among those that are encouraged: (1) inspections to support the criminal enforcement program; (2) inspections of non-notifiers; and (3) inspections of waste oil and hazardous waste fuel burners and blenders, particularly processors, for compliance with applicable standards. The RCRA Lab Audit Inspection (LAI) can be conducted to confirm that owners/operators are accurately analyzing their ground water monitoring samples. The LAI may need to be performed based on the findings of a CME/O&M inspection and will be conducted in accordance with EPA guidance.

C. Inspection Requirements

Quality inspections are essential to the compliance program. Proper documentation - including use of the appropriate checklists, effective oversight and review of reports - is necessary. In support of continuing efforts to improve inspection quality, Headquarters has developed a variety of inspection guidance documents and training programs.

In June 1988, the Administrator signed EPA Order 3500.1 to provide for a comprehensive plan to enhance training for EPA inspectors. The Order also mandates that certain training must be completed prior to allowing an inspector to lead an inspection. Supervisors are responsible for ensuring that their inspectors receive the necessary training.

Additionally, during FY 1990 EPA will perform oversight inspections at approximately 10% of the TSDF inspections committed to in the State grant agreements and an appropriate number of inspections at generators of land disposal restricted wastes. These oversight inspections should be conducted in accordance with the RCRA State Oversight Inspection Guide (December, 1987).

Inspections must determine compliance with permits and final orders. Inspections or other documentation must confirm that return-to-compliance has been achieved. Evaluation of compliance with the base program, including closure/post-closure and financial responsibility requirements must continue.

In FY 1990 compliance with applicable land disposal restrictions should be reviewed during all inspections. Land ban requirements for waste identification and analysis, treatment and disposal, operating records, and limitations on storage accumulation all warrant particular attention. The possibility of illegal disposal should also be considered, and appropriate follow-up taken. Section 4 discusses oversight of corrective action activities.

While not specifically identified as a distinct budgeted aspect of FY 1990 inspections, new requirements regulating air emissions from equipment leaks and certain process vents at TSD facilities will become effective during FY 1990. The Air Emission from TSDs - Accelerated Rule, which is a HSWA requirement, is projected to be promulgated in August, 1989.

Enforcement Response

The program's approach to timely and appropriate enforcement is set forth in the revised Enforcement Response Policy (ERP) (12/21/87). Economic sanctions must be assessed against high priority violators in accordance with the ERP.

The RCRA Penalty Policy or the appropriate State penalty policy should be used to determine the appropriate dollar value of the penalty. Sanctions should be selected in accordance with State or Federal law, with the goal being to deter non-compliance. States that do not have any administrative means of taking a formal enforcement action and imposing economic sanctions will need to address high priority violators by taking prompt judicial action.

While authorized States are expected to take the enforcement actions, if unable to do so, they may request that EPA take action, where justification can be provided. When a State enforcement action is not timely and appropriate, EPA may consider Federal action, and/or grant sanctions, especially when the violator in question in a high priority violator who remains out of compliance.

Priorities for enforcement actions are as follows:

1. Handlers with violations, releases, or threatened releases which may present an immediate threat to health or environment.

   A number of enforcement tools are available to the Regions and States (e.g., RCRA §§3013, 3008(a), 3008(h), 7003, or State equivalents), depending on the circumstances. Where specific criteria are met, use of these authorities is encouraged. Consideration should also be given to the use of CERCLA §104 or §106 response authorities, TSCA §7 authority and/or other appropriate EPA or State authorities.

2. Commercial facilities receiving CERCLA Wastes.

   Where necessary, in accordance with the Off-Site Policy, priority attention should be given to compliance and corrective actions needed to assist in maintaining CERCLA-acceptable treatment and disposal capacity.

3. Land disposal facilities.

   Enforcement actions will be taken to address handlers who continue to place hazardous waste in surface impoundments which do not meet minimum technology requirements, in accordance with the enforcement strategy.

   Appropriate actions are to be taken against operating permitted and interim status facilities, as well as closing land disposal facilities to assure proper closures, enforce corrective action schedules, assure compliance with Final Orders and address high priority violators. Continued compliance with ground water monitoring requirements is essential to assure that releases to ground water are detected. Violations of liability requirements are to be addressed in accordance with applicable guidance.

As noted in Section 2, facilities which closed-by-removal without complying with the 40 CFR, Part 264 standards will need to be addressed either through post-closure permit or through an enforcement order.

4. Corrective action requirements.

Regions, with appropriate assistance from States, must act aggressively to achieve corrective action at TSD facilities. In FY 1990, the emphasis is on the following:

- o Use of Environmental Priorities Initiative (see Section 4) to evaluate relative priority of sites;
- o Substantial violations of corrective action requirements in a permit or order;
- o Use of enforcement authorities when necessary to obtain corrective action at environmentally significant facilities, including use of §7003 to initiate or compel corrective action in response to imminent and substantial endangerment; and
- o Compelling interim measures, when warranted, prior to or during implementation of a corrective action program.

5. Land Disposal Restrictions

Where TSDFs or generators are found to have substantial violations of the land disposal restrictions, enforcement is a high priority. The most substantial violations are:

- o For generators (including generating TSDs): shipping waste exceeding treatment standards or prohibition levels to land disposal facilities without notification of need for treatment;
- o For treaters (who have inadequately treated wastes): directing waste exceeding treatment requirements to land disposal; and
- o For disposers: disposing of wastes exceeding treatment standards or prohibition levels.

Other serious violations are the falsification of records and the illegal dilution of waste by any handler. These warrant criminal investigation and enforcement.

6. Federal facilities

Authorized States will have the lead in enforcement for Federal handlers. However, the Region must take action if a State declines or is unable to take appropriate action against a high priority violator. (See Section 5 for a complete discussion of enforcement at Federal facilities).

7. Criminal enforcement

The basic goals of an enforcement program are to encourage compliance and to punish non-compliant behavior. Because of the publicity and stigma attached to a criminal conviction, criminal enforcement is a very effective tool. Increased restrictions on the land disposal of hazardous waste and increasing disposal costs create greater potential for criminal activities. Criminal case development and prosecutions are encouraged.

8. Other important enforcement activities

Other significant violations at handlers should be addressed as resources allow.

- The permit program should be supported by taking actions against treaters and storers submitting late or incomplete part B applications. Discretion should be used in choosing between permit denial and enforcement.
- The Waste-as-fuel and used-oil-as-fuel regulations should be enforced, especially at waste oil processing facilities.

3.4 Major Activities

Headquarters:

- Develop and present inspector and enforcement training.
- Develop new regulations, policy and guidance.
- Provide case support when necessary.

Regions and States:

- Inspect TSDFs and generators as described above.
- Initiate judicial and administrative enforcement actions. Follow through on previously initiated enforcement actions. Identify, refer, and support criminal cases where appropriate.

3.5 List of New and Proposed Regulations

Revisions to RCRA Authorization Requirements for State Compliance Monitoring and Enforcement Programs (271.15 and 271.16).
Workgroup closure: 8/3/88
Publish Proposal in Federal Register: 8/1/89.

Standards for Tracking and Management of Medical Wastes.
Publish Interim Final in Federal Register: February, 1989.

Air Emission from TSDFs - Accelerated Rule.
Workgroup Closure: April, 1989.
Publish Final in Federal Register: August, 1989.

Note: The above listed dates were the most recent at the time of publication. They are subject to change, and they may differ from those listed in the Administrator's Tracking System (ATS).

3.6 Relevant Guidance Documents

- Land Ban First Third Enforcement Strategy. (Final, 1/89)
- Land Disposal Restrictions Inspection Manual. (Final, 2/89*)
- Incinerator Inspection Guidance. (Final, 4/89*)
- Control of Air Emissions from Process Vents and Equipment Leaks at TSDFs. (Final, 9/89*)
- Control of Fugitive Particulate Air Emissions from TSDFs. (Final, 9/89*)
- Permit Enforcement Strategies (Seven modules)
  1) Permit Inspector Guide. (Final, 5/89*)
  2) Permit Modification Rule. (Final, 3/89*)
  3 - 7) Remaining modules to be published in FY 1990.
- Hazardous Waste Tank System Inspection Manual. (Final, 9/88)
- RCRA Laboratory Audit Inspection Guidance (LAI). (Final, 9/88)
- RCRA Technical Case Development Guidance Document. (Final,6/88)
- EPA Order 3500.1 - Training and Development for Compliance Inspections/Field Investigations. (June 29, 1988)
- Operation and Maintenance Inspection Guide. (Final, 3/88)
- RCRA Inspection Manual. (Final, 3/88)
- RCRA Comprehensive Ground-water Monitoring Evaluation Guidance Document. (Final, 3/88)
- Enforcement Strategy, Hazardous Waste Exports EPA NEIC, Denver. (Final, 3/88)
- Enforcement Response Policy. (Final, 12/87)
- RCRA State Oversight Inspection Guide. (Final, 12/87)

- Revised Procedures for Planning and Implementing Off-site Response Actions. (Final, 11/87)

* Anticipated Date

4.0 CORRECTIVE ACTION

4.1 Program Objective

The RCRA corrective action program initiates owner/operator activity through permits and enforcement actions to obtain corrective action for releases of hazardous waste or hazardous constituents. The program also oversees owner/operator activities to assure each phase of corrective action is carried out in accordance with terms contained in permits and orders.

4.2 Relation to FY 1989 RIP

Continued emphasis on:

- Oversight of on-going corrective action activities;
- Environmental Priorities Initiative; and
- Obtaining corrective action through new permits and orders.

4.3 Overview of Activities

The Environmental Priorities Initiative (EPI)

EPA is committed to assuring that its limited resources are focused on the very worst facilities. The EPI is designed to assure that this takes place. The EPI is an integrated RCRA/CERCLA effort that will enable the Agency and authorized States to identify, evaluate, and cleanup first those sites that present the greatest threat to human health and the environment.

Under EPI the Agency will use the most appropriate authorities available - including the joint use of RCRA and CERCLA - to achieve cleanup at a site. Superfund uses a process to screen a large number of sites, with known or threatened releases, to determine which sites present the most serious environmental problems. By applying this process to certain RCRA sites, those RCRA sites that present the worst environmental problems can be identified systematically for priority action. Through the use of joint RCRA and CERCLA corrective action authorities, these sites can be addressed quickly and efficiently. Through this approach the EPI will help prevent RCRA TSDFs from becoming tomorrow's Superfund sites. The creation of such an integrated process for assessing and cleaning up RCRA sites is consistent with the Agency's mission to protect human health and the environment.

Initially EPI will focus on the following types of facilities:

- Closed or closing RCRA storage, treatment, and land disposal facilities; and
- Operating RCRA storage and treatment facilities.

The Agency has committed to performing 3,000 Superfund Preliminary Assessments during three fiscal years beginning with FY 1989. In FY 1988 the Regions and States identified and set preliminary priorities for the RCRA facilities that were part of this universe. During FY 1989 the Regions and States began performing Preliminary Assessments (PA) at RCRA facilities. This activity is expected to continue through 1991.

These PAs will provide an estimate of the sites' environmental significance. This estimate will include a preliminary score based on CERCLA's Hazard Ranking System (HRS). Those sites that do not meet the HRS cut-off will be handed back to the RCRA program for enforcement or permitting. Most of the remaining facilities will receive a Site Investigation/RCRA Facility Assessment (SI/RFA). On January 31, 1989, J. Winston Porter signed the Guidance for Environmental Priorities Initiative (EPI) Facilities in the Superfund Pre-Remedial Program (OSWER directive # 9932.1) which provides guidance to the Regions as to how RCRA facilities should be managed in the Superfund Pre-Remedial Program. In order to accommodate the EPI, the SCAP (Superfund Comprehensive Accomplishments Plan) target for screening site investigations (SSI) has been increased by 1200 SSIs for the three year period. The SI/RFA will be comprised of elements of a Superfund SI under CERCLA and a RFA under RCRA. Once performed, the SI/RFA will provide a basis for corrective action.

During FY 1989, and continuing into FY 1990, Headquarters will be providing guidance on how the mix of authorities and mechanisms available under both RCRA and CERCLA can be brought to bear to achieve corrective action at these facilities. The Regions and the authorized States will apply these mechanisms and authorities and determine an appropriate strategy for each site using authorities available under RCRA and/or CERCLA, as well as any other appropriate Federal or State cleanup authorities, to assure that a site is cleaned up.

Corrective Action Regulations

During FY 1989, regulations for the RCRA corrective action program will be proposed. These regulations should be considered to be the latest guidance for implementing corrective action under RCRA and utilized in developing corrective action conditions in permits and enforcement orders. Together with the National Contingency Plan, the corrective action regulations will define EPA's overall approach to the cleanup of environmental contamination resulting from the mismanagement of hazardous and solid waste. The regulations will establish a regulatory framework for corrective action under §3004(u) of RCRA. Subpart S could be used to provide guidance for corrective action orders imposed under §3008(h) of RCRA.

As noted above, these regulations will implement §3004(u), which addresses corrective action at facilities seeking permits. In compliance with §3005 of RCRA, before a permit is issued, EPA or an authorized State conducts a RCRA Facility Assessment at the facility to determine whether a potential problem exists. Where a release or likely release is found, the permit will contain a schedule of compliance requiring a RCRA Facility Investigation focusing on the specifics of the release or likely release. This schedule of compliance will be a part of the permit, and would be successively modified, as necessary, as corrective action at the facility proceeds.

The Agency's first priority will be to require interim measures to address sites posing an immediate threat to human health or the environment, and to pursue engineering remedies to control and eliminate significant sources of releases. These activities can be fairly extensive (e.g., installing pump and treat system). In addition, prompt remediation of all significant off-site contamination will be required under § 3004(v).

Corrective action activities may be conducted during interim status, permitting, and closure stages. Numerous Federal authorities may be employed to initiate and ensure compliance with corrective action activities; these include RCRA §§3004(u) and (v), 3008(h), 3013 and 3008(a), 7003, and §§104 and 106 of CERCLA, consistent with Agency guidance. Use of equivalent State authorities is also encouraged where applicable.

RCRA §7003 and CERCLA §106 may be used whenever a hazardous waste (or constituent), solid waste or hazardous substance (such as product release) presents an imminent and substantial endangerment.

Section 3004(u) should be used to incorporate corrective action for releases from Solid Waste Management Units (SWMUs), including regulated units, into the permit when the permit issuance is to be accomplished in the near future. In some situations §§3008(h), 7003, CERCLA §§104 and 106 may be more appropriate to initiate corrective action. For instance, 3008(h) should be used when the permit issuance will not occur expeditiously. When a permit is subsequently issued at the facility, the response activities may be continued under the permit using §3005(c)(3) authority. A RCRA facility owner/operator is not necessarily relieved of responsibility to comply with the corrective action requirements contained within an order after the issuance of a permit.

Corrective Action Oversight

More than 300 permits with schedules of compliance for corrective action have been issued. Over 60 §3008(h) corrective action orders have been issued as well. Current estimates are that 350 facilities will have RCRA facility investigations (RFIs) underway by FY 1990. Oversight of owner/operator activities stipulated in permits and enforcement orders will be a high priority in FY 1990. The greatest oversight attention will focus on those facilities and units which pose the greatest risk to human health or the environment. The Regions will continue the review of RFI workplans, get RFIs underway, and implement required interim measures and Corrective Measures Studies so that Corrective Measures may be implemented.

The oversight of corrective action activities continues to be an aspect of compliance evaluations at facilities involved in corrective action. During FY 1990, each TSDF with an on-going corrective action (i.e. RFI plan approved) should receive at least one site visit. This visit will be aimed at overseeing the following activities: well drilling, sampling, treatment, and/or removal activities. On an on-going basis, compliance with corrective action schedules in permits and with compliance schedules in corrective action orders will be evaluated as well.

4.4 Major Activities

Headquarters:

- Develop and present training.
- Develop policy and guidance.
- Provide case support where appropriate.
- Facilitate/support EPI approach.
- Provide technical assistance to the Regions where appropriate.

Regions and States:

- Oversee owner/operator corrective action activities.
- Obtain corrective action through issuance of orders and permits.
- Regions oversee State corrective action activities.

4.5 List of New and Proposed Regulations

Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities. ("Subpart S regulations")
Federal Register Proposal: Spring, 1989.
Workgroup Closure: 11/1/89.
Publish Final Rule: April, 1990
Regulations set forth procedural and technical requirements for corrective action at SWMUs.

Note: The above listed dates were the most recent at the time of publication. They are subject to change, and they may differ from those listed in the Administrator's Tracking System (ATS).

4.6 Relevant Guidance Documents

- Guidance for Environmental Priorities Initiative Facilities in the Superfund Pre-remedial Program. (Final, 1/31/89)

o Interim Final Model §3008(h) Unilateral Order.	(1/89)
o Corrective Action Settlement Policy.	(Final, 9/89*)
o Unwillingness Guidance.	(Final, 3/89*)
o RCRA §3008(h) Model Order.	(Final, 1/88)
o Guidance on the Use of Stipulated Penalties in Hazardous Waste Consent Decrees.	(Final, 9/87)
o RFI Guidance.	(Draft, 7/87)
o Administrative Hearing Procedures for §3008(h) Orders.	(Final, 5/87)
o RFA Guidance.	(Final, 10/86)

* Anticipated date.

5.0 FEDERAL FACILITIES/ISSUES

5.1 Program Objective

The objective of EPA and State activity at Federal facilities is to ensure that these facilities afford the same degree of environmental protection as is required of other hazardous waste handlers.

5.2 Relation to FY 1989 RIP

Greater emphasis on:

- The timely settlement of compliance agreements and final orders at Federal facilities; and
- The integration of RCRA and CERCLA at Federal facilities.

Continued emphasis on:

- The application of EPA's timely and appropriate enforcement criteria at Federal facilities;
- Use of the A-106 process; and
- The issuance of permits to facilities treating, storing or disposing of hazardous waste.

New emphasis on:

- The issuance of actions against contract operators of government owned facilities; and
- The calculation of penalties for violations of RCRA requirements.

5.3 Overview of Activities

Application of EPA's Timely and Appropriate Enforcement Criteria

The enforcement priorities in Section 3 apply to Federal facilities. Authorized States have the lead on enforcement for Federal handlers. States should apply the same criteria, mechanisms and processes for proceeding against a private handler in non-compliance with RCRA requirements to Federal facilities in non-compliance.

EPA's process for proceeding against a Federal facility is outlined in the January 25, 1988 memorandum entitled "Enforcement Actions Under RCRA and CERCLA at Federal Facilities." EPA will take action at a Federal facility when a State refers the case to EPA for action and provides justification for the referral or when a State fails to take action in a timely manner as described in EPA's Enforcement Response Policy.

Penalties

In consideration of the inconsistent case law on the issue of sovereign immunity from civil penalties, EPA and the States are not required to assess and collect penalties at Federal facilities in violation of RCRA requirements. However, EPA Headquarters still considers the penalty process a useful tool in deterring RCRA violations at Federal facilities and ensuring compliance is achieved. EPA Headquarters recommends that the Regions calculate the penalty amount that would be assessed for violations of RCRA requirements if there was clear authority to assess such penalties at a Federal facility. Regions would then notify the Federal facility of this penalty amount in the initial formal enforcement action taken against the Federal facility (e.g., EPA Notice of Noncompliance). The dollar figures should be based on EPA's standard procedures for calculating penalties. Consistent with Federal Facilities Compliance Strategy, a press release announcing the initial formal enforcement action may also contain the penalty figure. At the end of the fiscal year, the penalty information will be used in a report on Federal facility compliance with RCRA.

Elevation Process

Headquarters is placing a high priority on the timely resolution of compliance issues at Federal facilities. The negotiation of Federal Facility Compliance Agreements (FFCA) should not exceed 120 days. If issues are not resolved within this time period as outlined in the March 24, 1988 memorandum on the "Elevation Process for Achieving Federal Facility Compliance Under RCRA," the unresolved disputes should be elevated to EPA Headquarters. The 120 day negotiation deadline and subsequent elevation of unresolved issues should be clearly outlined in the Notice of Noncompliance. The Regions should also encourage the States to resolve compliance issues at Federal facilities in the same period of time and notify Federal agencies of negotiation deadlines up front. The Federal Facilities Hazardous Waste Compliance Office (FFHWCO) will prepare quarterly reports on the status of enforcement response at Federal facilities.

Actions Against Contract-Operators of Government-Owned Facilities

Headquarters will continue to encourage and support the issuance of actions against contract-operators of government-owned facilities as a viable enforcement option for achieving compliance at Federal facilities. The FFHWCO will be providing more guidance on this issue during FY 1989.

Integration of RCRA and CERCLA at Federal facilities

Federal facilities that treat, store or dispose of hazardous waste will need to obtain RCRA permits. The Regions and States should continue to develop permits (including post-closure permits) for Federal facilities in accordance with the priorities established in Section 2.3. These permitting activities may include evaluating corrective action needs, developing schedules of compliance, targeting public involvement, and approving closure plans.

Many Federal facilities subject to RCRA corrective action are also being evaluated and listed on the National Priorities List when appropriate. At such facilities, RCRA corrective action needs must be coordinated with Superfund activities. The Regions should develop a strategy for integrating the RCRA and CERCLA cleanup authorities at each of their priority Federal facilities. When developing a plan for action, the following factors should be considered: NPL status of the Federal facility, status of the RCRA permit, the type of release (e.g., hazardous waste, radioactive, or mixed waste), and the level of state participation at the facility. There are several different statutory mechanisms that EPA and the States can use as a basis for developing a comprehensive strategy for addressing RCRA corrective action and CERCLA remedial action at Federal facilities. These mechanisms include RCRA corrective action orders under Sections 3008(h) or 3013, the corrective action provisions of a RCRA permit, administrative orders under CERCLA Sections 104 and 106, and Federal Facility Agreements under CERCLA Section 120. The January 25, 1988 memorandum on "Enforcement Actions Under RCRA and CERCLA at Federal Facilities" describes each of these tools in more detail. Model language for Federal Facility Agreements under CERCLA Section 120 with both DOE and DOD is also available.

It is very important that the RCRA and CERCLA programs communicate and coordinate their activities. States should be asked to participate in developing the facility specific strategies for integrating RCRA and CERCLA. The FFHWCO will be providing more guidance on this issue during FY 1989.

A-106

Regions and States should continue to review and comment on the A-106 funding levels for Federal agency proposed pollution abatement projects. The Regions and States should concentrate first on a review of compliance "Class I" projects (those projects that have either a signed compliance agreement or consent order in place to correct deficiencies cited during an inspection; or those projects which are required immediately because a statutory or regulatory deadline has passed). Secondly, within time and resource constraints, review the Class II and Class III projects. Regions and States can seek guidance from the Regional Federal Facilities Coordinator. During the January-March review period, Regional program staff should coordinate their comments with their program counterparts in delegated and authorized States.

DOD Chemical Demilitarization Facilities

Regions 4, 6 and 10 are expected to continue cooperating with the Army to develop RCRA incineration permits for their chemical agent demilitarization sites. The Regions will use the initial RCRA permit of this type (issued in FY 1989) as a model. All Regions (and States) in which stockpiles of chemical warfare agents are located will participate in the Intergovernmental Consultation and Coordination Boards (ICCBs) that oversee the demilitarization program.

DOE - NRC Mixed Waste

Under the Federal program, all RCRA requirements are applicable to mixed waste handlers. Regions and States are to continue to address mixed waste handlers based on the environmental benefits expected to be achieved (see Section 1). Until an authorized State revises its regulations and/or statutes, and until it seeks and obtains authority to regulate mixed waste, mixed waste is not hazardous in that state. Authorization applications from States not needing a statutory change for mixed waste were due September 1, 1988. States needing a statutory change have an additional year to submit such applications. Many States have applied for and received a six-month extension of the applicable deadline. Because of this, regulation of mixed wastes continues to be fragmented. Regions must move aggressively and encourage States to comply with these deadlines to mitigate confusion and continued fragmented implementation of the RCRA program as it applies to mixed waste.

On September 23, 1988 EPA published a Federal Register notice extending the deadline for owner/operators at TSDF's in unauthorized States to submit Part A of the permit application in order to qualify for the interim status for mixed waste activities. The deadline for receipt of those Part A applications is March 23, 1989. Further, in conjunction with the Nuclear Regulatory Commission (NRC), notification of potential RCRA applicability and a copy of the September 23, 1988 notice (53 FR 37045) were sent to each NRC or Agreement State licensee. Headquarters anticipates that this extension will result in a substantial increase in the number of Permit applications received by the Regional offices. These applications should be addressed in accordance with established priorities. Owners and operators of facilities in authorized States must comply with State requirements regarding interim status.

The Low-Level Radioactive Waste Policy Amendments Act of 1985 requires (LLRWPAA) States to provide for disposal of commercially generated low-level radioactive waste either independently or in compacts with other States. Such capacity must be available by January 1, 1993. States failing to meet this deadline will be subject to substantial penalties. While the exact number of future commercial low-level waste disposal facilities is uncertain (a final number will be between 8 and 15), NRC and DOE have determined that low-level waste disposal facilities must also provide for mixed waste disposal in order to fulfill the requirement established by the LLRWPAA. At this time, Texas and Nebraska have indicated they will have mixed waste disposal capacity. Regions and States should begin identifying the resource implications of permitting mixed waste disposal facilities by January 1, 1993.

Headquarters has developed two guidance documents that focused on disposal facility siting and design. (See OSWER Directives numbered 9480.00-14 and 9487.00-8, respectively.) The goal of both Headquarters and these documents is for RCRA compliance not to become an impediment to States meeting this milestone.

Headquarters is currently developing a number of second generation guidance documents in response to needs identified by Regions and States. In FY 1989, guidance on mixed waste characterization and verification, storage, inspection, and joint licensing/permitting will be available. Additionally, Headquarters is developing a mixed waste training course. A second workshop is also planned for late summer which will focus on issues raised at the National Mixed Waste Workshop held in 1988.

Lastly, Regions should encourage States to seek authorization for those provisions which may impact the regulation of mixed waste (e.g., permit modification rule, Christmas Tree Rule, Subpart X) concurrently with mixed waste authorization, if possible. This may be especially critical for States with major DOE facilities.

5.4 Major Activities

Headquarters:

- Prepare quarterly reports on the status of enforcement response at Federal facilities in significant noncompliance.
- Compile an end-of-year report on Federal facility compliance with RCRA.
- Resolve noncompliance issues that are elevated to Headquarters in accordance with the "elevation policy", March 24, 1988.
- Continue to provide Regional Offices with guidance on RCRA/CERCLA integration at Federal facilities.
- Distribute A-106 draft reports to Regional Offices for comments; distribute draft OMB report to Regional Offices for comment; distribute final OMB report, as requested.

Regions and States:

- Apply timely and appropriate enforcement criteria to Federal facilities.
- Elevate compliance issues that are not resolved in a timely fashion.
- Continue to review and comment on draft A-106 reports and EPA's draft OMB report.
- Issue actions against contract-operators of government-owned facilities where appropriate.

- Calculate penalty amounts for Federal facilities in violation of RCRA requirements and notify Federal facilities of these amounts (recommended).

5.5 List of New and Proposed Regulations

Not Applicable.

5.6 Relevant Guidance Documents

- Enforcement Actions Under RCRA and CERCLA at Federal Facilities. (January 25, 1988)
- Elevation Process for Achieving Federal Facility Compliance Under RCRA. (March 24, 1988)
- Agreement with the Department of Energy--Model Provisions for CERCLA Federal Facility Agreements. (May 27, 1988)
- Agreement with the Department of Defense--Model Provisions for CERCLA Federal Facility Agreements. (June 17, 1988)
- Enforcement Actions at Government-Owned Contractor-Operated Facilities. (September 8, 1988)
- Federal Facilities Compliance Strategy. (November, 1988)

6.0 MUNICIPAL SOLID WASTE

6.1 Program Objective

The objectives of EPA's municipal solid waste (MSW) program are to: 1) comply with the mandates of Subtitle D of RCRA; 2) ensure protection of health and the environment; 3) support a team approach to promote and implement integrated waste management and the Agenda for Action; 4) work toward achieving the 25% national goal of waste reduction and recycling by 1992; and 5) renew a national leadership presence through technical assistance and through information development and dissemination.

6.2 Relation to FY 1989 RIP

o Adds MSW Program Section; deletes Cross Media Section.

6.3 Overview of Activities

State/Tribal/EPA Relationship

EPA's role in the MSW program is to facilitate State and local implementation of the program, including the revised criteria for MSW landfills. Facilitation activities include regulatory and guidance development, training, technical assistance, and information development and dissemination.

The State/EPA meetings initiated in FY 1989 have proven to be effective in identifying and resolving issues and in building a team approach to implementation of the MSW program. State input in determining the need for and the development of policy, guidances, training and information/education materials is essential to effectively assess and address the States' needs. EPA and the States will continue to work together to enhance the State/EPA relationship and will continue to meet to provide a forum for the exchange of ideas and for State input. EPA will continue to implement measures to strengthen this relationship.

Agenda for Action

The Agency's national strategy, "The Solid Waste Dilemma: An Agenda for Action", was issued in February 1989. The Agenda promotes an integrated waste management approach, outlines a number of MSW activities, and encourages participation by all levels of government, industry, and the public. Specific EPA activities that are ongoing for FY 1990 are outlined under "Major Activities".

Municipal Solid Waste

Several municipal solid waste (MSW) initiatives will continue into FY 1990:

o MSW Landfills Criteria: EPA proposed revised Criteria for MSW landfills on August 30, 1988. The revised Federal Criteria are scheduled for final promulgation late in 1989. Under RCRA, States are required to adopt and implement a permit program (or other system of prior approval) within eighteen months of promulgation to ensure compliance with the revised Criteria. EPA is required to determine whether each State has developed an adequate program by the eighteen-month deadline. If a State has not adopted an adequate program by the deadline, EPA has the authority to enforce the Criteria directly. EPA will continue to work with the States to jointly develop the process for demonstrating and approving an adequate State program. This process will be included in the Agency's Criteria implementation strategy, which will be available shortly after promulgation of the revised Criteria.

- MSW Combustion Ash: A MSW Combustion Ash Program Plan currently is being developed and is scheduled to be finalized in the Spring of 1990. This plan will address research, guidance, regulations, and implementation activities which are being undertaken in anticipation of legislative initiatives currently being considered by Congress. As legislative initiatives develop, the Program Plan will be revised accordingly.

Program Development

As in FY 1989, EPA will continue to rely on the Regional Implementation Team as the focal point for State and Tribal program development and technical assistance. Headquarters and the Regions will continue to work together as a team with the States to enhance State MSW programs and to develop and disseminate information on issues and ongoing activities. The Regions will work with the States to develop permit programs to implement the revised Criteria and will be the focal point for determining the adequacy of the State permit programs.

6.4 Major Activities

Headquarters:

- Facilitate the implementation of the "Agenda for Action" by States and local governments.
- Promulgate final MSW landfill criteria.
- Issue final Criteria implementation strategy.
- Continue to work with States and the Regional Implementation Team to develop and implement MSW activities.
- Continue to support development and implementation of solid waste programs on Indian lands.
- Work with Regions, States and Indian Tribes to develop training modules based on a needs assessment.

- o Develop methodologies to document the 25% waste reduction and recycling goal.

Regions:

- o Determine status of current State solid waste activities.
- o Work with the States to develop adequate State permit programs and carry out the implementation activities detailed in the final MSW landfill Criteria implementation strategy.
- o Continue to participate in the Regional Implementation Team.
- o Work with Headquarters, States, and local communities to assess and address local needs.
- o Provide technical assistance--including training, speeches, and presentations--to States, local governments and Indian Tribes.
- o Continue to support the development and implementation of solid waste programs on Indian lands.
- o Update FY 1989 Regional solid waste strategies to identify ongoing activities and include new activities for FY 1990.
- o Continue to provide periodic reports on accomplishments in the MSW program.
- o Provide assistance to States and local communities as they work toward achieving the national goal of 25% waste reduction and recycling by 1992.
- o Work with States to facilitate development of Regional market information councils.
- o Participate in interagency workgroup on recycling and separation in Federal agencies.
- o Facilitate State and local activities in implementing Agenda for Action.

States and Local Governments:

- o Develop adequate programs, if not yet in place, and draft an approvable demonstration of adequacy.
- o Carry out the implementation activities detailed in the Criteria implementation strategy.
- o Continue to work with EPA to identify and resolve implementation issues.
- o Implement the "Agenda for Action."

6.5 List of New and Proposed Regulations

Revised Subtitle D Criteria for Municipal Waste Landfills.
Public Comment Period ends: 11/30/88.
Workgroup Closure: 07/07/88.
Publish FRM in Federal Register: 12/19/89.
Revision of Subtitle D Criteria (40 CFR Part 257) for Municipal Solid Waste Landfills.

Note: The above listed dates were the most recent at the time of publication. They are subject to change, and they may differ from those listed in the Administrator's Tracking System (ATS).

6.6 Relevant Guidance Documents

Not Applicable.

7.0 STATE PROGRAMS

7.1 Program Objective

The objectives of State authorization and oversight are to: (1) strengthen the Federal/State partnership; and (2) enhance implementation of the RCRA program to ensure effective protection of human health and the environment.

7.2 Relation to FY 1989 RIP

- Update of training discussion.

Continued Emphasis on:

- Maintaining State program equivalence with the Federal standards, including HSWA;
- Codifying changes to authorized State regulations; and
- Assessing and enhancing State capability to ensure expeditious processing of HSWA authorization applications.

7.3 Overview of Activities

Developing State Authorities/Maintaining Equivalency

Authorized States should develop the legal authorities necessary to revise their programs consistent with the deadlines in the final State authorization codification rule (51 FR 33712, September 22, 1986). States are not precluded from applying for authorization before cluster deadlines. Extensions are available if a State demonstrates that it has made a good faith effort and that its legislative or rulemaking procedures render the State unable to meet the deadlines. The schedules for review and decisions on State applications are found on pages 1.4-8 (draft applications) and 1.4-10 - 1.4-11 (official applications) of the State Consolidated RCRA Authorization Manual (SCRAM).

States are encouraged to develop State regulations consistent with new Federal regulations designed to provide capacity, promote innovative techniques, and generally streamline the program. This includes regulations addressing mobile treatment units, Research Development & Demonstration (RD&D) permits, and the revisions to the permit modification process. States are not precluded from developing regulations that are more stringent than Federal regulations.

Codifying Approved State Programs

Codifying approved State programs and revisions in Part 272 is a continuing effort for FY 1990. Codification clarifies for the public and regulated community those State hazardous waste program requirements EPA has approved and will enforce in lieu of the

Federal requirements. The Regions must codify revisions to State programs at the same time such revisions are approved. The Part 272 process is discussed in detail in Chapter 1.6 (pp. 1-4) of the SCRAM.

Enhancing State Programs

EPA must review the States' progress in implementing quality RCRA programs and work with the States to enhance their capability to implement additional program elements prior to making authorization decisions for HSWA requirements. To complete these reviews, the Regions should consider the following:

- Negotiated grant work programs;
- Memoranda of Agreement commitments;
- Capability Assessments for RCRA Authorization Program Revisions (April 9, 1987);
- RCRA Quality Criteria (revised July 1986);
- Protocols for evaluating permit quality and closure/post-closure plans (August 1986); and
- Enforcement Response Policy (December 21, 1987).

Training

EPA Regional offices and the States have consistently identified training as a high priority area for Headquarters' attention. To meet this need, the State Programs Branch, in cooperation with Association of State and Territorial Solid Waste Management Officials (ASTSWMO), have developed a core curriculum intended to provide basic RCRA training for all Regional and State program staff, regardless of their individual responsibilities, within ninety days of hire. It is important to note that the core curriculum training will address basic skills and activities. Training modules addressing specific program areas (e.g., groundwater, corrective action) will be offered as well.

This core curriculum currently consists of three courses: RCRA Orientation (with an eight hour health and safety module); a basic permit writer's course; and a basic inspector's course.

Each course will be formatted similarly to assist in presentation and retention. Although this format has been designed to provide for flexibility in presentation (e.g., workshop, self-taught tutorial), we are recommending that, whenever possible, it be presented to a combined EPA/State audience to enhance working relationships and information exchanges.

- Offer the core curriculum on a regularly scheduled basis to ensure that all new RCRA staff are trained as soon as possible after hire. (Compliance monitoring and enforcement training is also discussed in Section 3.)

- We recommend that, during grant negotiations with the States, the Regions develop a training schedule for presenting the core course. Locations should be moved around the Region to reduce travel burdens and associated costs. We are also recommending that the RCRA Orientation course be presented first, followed by the permit and inspection courses several weeks later to reduce the time staff needs to be away from the office. Finally, we envision that when the core is presented to a combined EPA/State audience, it be presented by EPA/State training teams. To this end, we will conduct "train the trainer" workshops for EPA and State staff designed as trainers by their respective agencies. An EPA/State permitting team should present the courses.

7.4 Major Activities

Headquarters:

- Explore the redirection of extramural funds to State grants for corrective action activities.
- Continue to review authorization applications.
- Revise April 8, 1987, Capability Assessment guidance.
- Update July 1986 RCRA Quality Criteria.
- Propose and/or finalize streamlining amendments to Section 271 and 272 regulations.
- Develop and present training modules.
- Conduct "train the trainers" workshops; provide support for core curriculum scheduling.
- Assess need for and, when feasible, provide more specialized training to enhance job performance and career development.

Regions and States:

- Negotiate grant work programs that include the development of equivalent State legal authorities and complete authorization applications, as well as schedules for submissions of applications. These schedules will aid the Regions and EPA Headquarters in planning resource needs for timely application review and approval.
- After grant negotiations are completed, the Regions are to submit to the Chief, State Programs Branch, OSW, each State's schedule for modifying its program to maintain equivalency.

- Continue timely processing of codification of approved State programs and revisions.

- Continue enhancing State program implementation through capability assessments and regular grant oversight reviews. Copies of the assessments should be submitted with draft authorization applications. Mid-year and end-of-year evaluations should be sent to the Chief, State Programs Branch, OSW.

- Negotiate a grant which dedicates approximately 3% of the grant funds to support specific training activities, particularly those costs associated with participation in core curriculum.

- Negotiate a training schedule during grant negotiations. Optimally, this schedule should be agreed to by the end of the third quarter for the following fiscal year and provide for presentation of the core on a quarterly basis.

7.5 List of New and Proposed Regulations

Not Applicable.

7.6 Relevant Guidance Documents

Not Applicable.

8.0 STATE GRANTS AND WORK PROGRAMS

8.1 Objective

This section specifies the formula for determining FY 1990 grant allocations and addresses how the money will be disbursed to the Regions and how it may be used to implement State RCRA programs.

8.2 Relation to FY 1989 RIP

o Continue Regional allotments; and

o Use the revised grant formula for FY 1990.

8.3 Overview of Activities

Grant Formula

A Grant Formula Revisions Workgroup, consisting of representatives from Regions and States, was established to review the FY 1989 grant formula for potential revisions for FY 1990. After reviewing several options, the Workgroup recommended the following revised formula, including weights:

$$\frac{.15\ (\text{Regional Population})}{(\text{U.S. Population})} + \frac{.15(\text{Regional LQG})\text{s}}{(\text{U.S. LQGs})} +$$

$$\frac{.30\ (\text{Regional LDFs})}{(\text{U.S. LDFs})} + \frac{.30(\text{Regional S/Ts})}{(\text{U.S. S/Ts})} + \frac{.10(\text{Reg. Incin.s})}{(\text{U.S. Incin.s})}$$

= Regional Funding for FY 1990.

Headquarters has decided to use this grant formula to distribute the $66 million set forth in the present budget for RCRA State grants. An increase cap of 5% was set by Headquarters while a decrease cap of 3% was agreed to by the grant formula workgroup. Headquarters decided that a base grant of 3% will be awarded to every Region for program implementation in small States and territories. In the event of a budget increase in FY 1990, the increase will be distributed proportionally to all Regions.

In FY 1991, a corrective action set-aside may be included as part of the grant formula. It is intended that the set-aside will serve as an incentive to States for assuming corrective action responsibilities.

Grant Allotments

Headquarters will provide Regional grant allotments at the time of the publication of this guidance. This Regional allotment disbursement procedure is meant to provide maximum flexibility to the Regional Administrators to fund activities which reflect national goals, individual State workloads, and special Regional and State RCRA initiatives. While Regional Administrators have the discretion to set grant amounts, State grants will continue to require at least a 25 percent match.

Grant Work Programs

As in previous years, FY 1990 grants must be performance based. (For a detailed discussion on performance - based grants, see EPA's "Policy on Performance - Based Assistance", May 31, 1985.) All grant work programs must:

- contain quarterly commitments for permitting, compliance and enforcement, and corrective action activities;
- include the development of State legal authorities necessary to obtain and maintain equivalency with the Federal program;
- include schedules for the development and submission of authorization applications;
- provide for adjustment in activities, commitments and funding (a "reopener" clause) if certain situations (e.g., reversion of program, significant decrease in State funds, additional commitments) arise;
- address instances where a State did not meet the FY 1989 commitments or was administering its program in a deficient manner and where the remedies that will be undertaken to improve performance/correct deficiencies extend into FY 1990; and
- include special grant conditions as appropriate (e.g., disbursement of funds other than annually, as necessary).

If a State relies heavily on the State Attorney General or other law offices in order to take enforcement actions, funding should be provided. The Attorney General should participate in the grant process, through the lead State agency, but should not be made a party to the grant. However, in order to receive funding, both the lead State agency and the Attorney General should be signatories to the Memorandum of Agreement (MOA) or to a Memorandum of Understanding. As a signatory to this agreement, the Attorney General will be expected to meet the "timely and appropriate" criteria for filing referred RCRA cases within 60 days (Enforcement Response Policy, December 21, 1987). As required by EPA grant regulations, the lead State agency will be considered responsible for grant management, even though funds pass through it to the Attorney General's office.

The Regional Administrator may reprogram funds not awarded to any State into other programs which support activities consistent with national priorities (e.g., public participation and the Senior Environmental Employment (SEE) Program, the RCRA implementation contract or the Technical Enforcement Support (TES) contract). Note, however, that State monies only can be used to support the implementation of State hazardous waste programs. Section 3011 grant funds cannot be used to implement CERCLA or UST program activities.

8.4 Waste Minimization (Pollution Prevention)

The 1984 HSWA amendments to RCRA support waste minimization as a national goal by stating: "wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible". To implement this waste minimization goal, EPA has developed a national implementation policy that will be published in the Federal Register for public review and comment. The policy:

- sets source reduction and recycling as the Agency's highest priorities over treatment and disposal.
- commits EPA to incorporating source reduction, recycling, and other pollution prevention concepts into all Agency media programs, and to working with the States to develop technical assistance programs to help industry identify and implement source reduction and recycling opportunities for hazardous waste and solid waste. It is important that efforts to reduce hazardous waste do not merely transfer the problem from one media to another.

In 1990, it will be extremely important to work with other EPA program offices and with the States to identify specific program activities that will reduce releases to the environment through source reduction and recycling. It will be particularly important to work with the States to develop Technical Assistance programs that help industry identify and implement source reduction and recycling opportunities. EPA's overall program objectives are to incorporate source reduction and recycling activities into Regional and State waste management programs, and into plant specific management programs for air, land, surface water, ground-water, and wet lands protection. Source reduction and recycling efforts also should focus on reducing the transfer of toxic substances across environmental media.

In FY 1990, Regions should actively promote implementation of EPA's national pollution prevention (waste minimization) policy and program by:

- helping States to develop and implement waste minimization programs (see Section 7 on State grants for waste minimization);
- assisting, as necessary, in the collection of needed data on hazardous waste generation and management trends to monitor and evaluate national progress; the key vehicles for collecting this data are the RCRA Biennial Report and the SARA III Toxics Release Inventory;
- developing a network among the appropriate Regional and State program offices to promote a multi-media, integrated approach to waste minimization; each Region should try to appoint and work

through their waste minimization coordinator. Headquarters will be working with the Regions to put in place a national technical information clearinghouse that is currently ready to test in a pilot demonstration. FY 1990 will be a critical year to implement this full scale;

- o providing outreach and education to, and communicating with, industry, States, and the general public;
- o identifying resources for waste minimization activities in budgeting and planning processes, although in many cases the key to success may be to identify source reduction and recycling opportunities within existing activities using existing resources; and
- o giving high priority to permit modifications which support waste minimization. In some cases, treatment requirements might be completely avoided by exploring source reduction or recycling opportunities.

EPA Headquarters is in the process of awarding three rounds of grants, totaling $10 million, to about 30-35 States for the purpose of developing Technical Assistance programs that focus on helping medium and small firms identify and implement source reduction and recycling opportunities. Fourteen States received a total of $3 million late in FY 1988. About 10 States will receive grants totaling $3 million in the second quarters of FY 1989, and an additional 15 States will receive grants totaling $4 million in the fourth quarter of FY 1989. The States will begin developing these programs in FY 1989, however, the critical year for program implementation will be FY 1990. FY 1990 will be a critical year for coordinating State program development, providing support and encouragement, and identifying opportunities in EPA's other operating programs.

Capacity Assurance

The large numbers of closures, corrective action cleanups, more stringent land disposal requirements, and land ban activities will all impact disposal, storage and treatment capacity. EPA and the States need to address the impact these activities will have on our ability to manage these wastes.

8.5 Major Activities

Headquarters:

- o Provide information from all treatment and disposal RCRA permit holders to Regions and States as requested on: (1) type of treatment, recycling, or disposal at facilities within the region; (2) design and utilized capacity of each system at a facility; and (3) as of 1986, plans for changes to capacity from 1987 to 1992.

Regions:

- Negotiate grant work programs for FY 1990 and award grant by October 1, 1989. Final grant work programs should address suggestions and requirements included in other parts of the RCRA section of the Operating Year Guidance.
- Send copies of each State's grant work program to Chief, State Programs Branch, OSW, upon execution of the grant award document by the Region.
- Track the States' progress in meeting deadlines; grant extensions to deadlines, if appropriate; and negotiate compliance schedules for those States who are unable to meet the approved deadlines.
- Provide information on major capacity changes at existing facilities along with new facilities permitted. The information would describe the type of capacity and the facilities' maximum capacity.

States:

- Develop and submit draft grant work programs which meet the requirements of national and Regional grant guidance.
- Negotiate final grant work programs with the Region. Final grant work programs should address suggestions and requirements included in other parts of the RCRA section of the Operating Year Guidance.

8.6 List of New and Proposed Regulations

Not Applicable.

8.7 Relevant Guidance Documents

Not Applicable.

9.0 INFORMATION MANAGEMENT

9.1 Program Objective

The objectives of the RCRA reporting requirements are to obtain information necessary to: 1) effectively manage the RCRA program at the State, Regional and National levels; and 2) demonstrate the effectiveness of the RCRA program in protecting human health and the environment.

9.2 Relation to FY 1989 RIP

o Streamlines discussions on RCRIS and Biennial Report; and

o Revises SPMS measures.

9.3 Overview of Activities

Reporting Requirements

EPA Regions and States will use a combination of systems in FY 1990 as we move from HWDMS to RCRIS. Regions and States will enter all required reporting data into HWDMS until they have converted to RCRIS. All corrective action will be reported through the Corrective Action Reporting System (CARS) prior to conversion to RCRIS. This data should be submitted in accordance with the monthly reporting requirements. Upon the implementation of RCRIS, Regions and States will use RCRIS forms for data entry into RCRIS. The scope of RCRIS reporting requirements will be no greater than their HWDMS counterparts.

Non-direct entry States must submit required reporting information to EPA by the 20th calendar day of the month following the reporting period (e.g., reporting information for April is submitted by May 22). The Regions then have until the seventh working day of the next month to enter this State-submitted data (e.g., reporting information for April is submitted by May 22 and entered by the Region by June 9). Direct entry States also have until the seventh working day of the next month to enter their data (e.g., reporting information for April is entered by June 9.) Data for Regions must be entered by the seventh working day of the month following the reporting period (e.g., data for April must be entered by May 9).

Strategic Planning and Management System

The Strategic Planning and Management System (SPMS) provides a way to plan and report major program goals and accomplishments. (See Attachment B for FY 1990 measures and definitions.) SPMS reporting will be quarterly (e.g., October-December). However, for each quarter, there will be a one-month lag in reporting for all direct entry and non-direct entry States. For example, the first quarter data pull will include all data entered into HWDMS/RCRIS/CARS by the date of the SPMS retrieval. First quarter data will not include State actions occurring in December because State data is not to be entered into HWDMS/RCRIS/CARS until February. SPMS data is reported cumulatively; therefore, State December data will be reported in the second quarter report. The Office of Management Systems and Evaluation will delay issuing the FY 1990 SPMS report for one month so that data from the full fiscal year for State and Regions will be included. This one-month lag must be kept in mind when negotiating SPMS commitments. Report forms for FY 1990 will be provided separately.

Schedule for SPMS Commitments

In order to provide a review and negotiation period among OSW, OWPE, and the Regions, draft FY 1991 SPMS commitments must be submitted by July 15, 1990. These commitments must be signed by the Regional RCRA Division Director and sent to the Director, Permits and State Programs Division, OSW, and the Director, RCRA Enforcement Division, OWPE.

RCRIS

EPA Headquarters is developing a Framework for national implementation of RCRIS that will deal with the issue of phasing implementation over a two year period (i.e. FY 1990 and FY 1991.) The Framework is scheduled for completion in June 1989 after State and Regional input.

The re-evaluation of RCRIS that occurred in FY 1988 places an important emphasis on the Regions' responsibilities to work with States in implementing RCRIS. The Regions will have a strong role in implementing RCRIS, whereas in the past the Regions did not have a strong role.

The Regions play a critical role as direct RCRIS users, as well as having a role in supporting and coordinating the efforts of their States. Although the States have been quite well informed, largely through the efforts of the National Governors' Association (NGA), a complementary and enlarged role for the Regions has been established in communicating RCRIS information to the States. We intend to ensure that State expectations are consistent with the revised RCRIS project plan. Because the States rely on two sources of information, it is critical that NGA and EPA coordinate communication efforts and speak with one voice regarding RCRIS developments.

Key Regional managers, including the Assistant Regional Administrators for Management and the Waste Management Division Directors, have been targeted for closer involvement in the RCRIS development and implementation process. Under these offices, the multi-faceted audience includes RCRA Branch Chiefs, Section Chiefs, RPOs, IRM Branch Chiefs and Data Base Administrators. The intent of this renewed effort in Regional involvement is to assure that all Regions receive information on project status, on technical direction, and on what is expected of the States so they can answer

State questions and negotiate annual grants. Senior Regional personnel require communications on management, policy, and resource issues, while technical staff need draft and final versions of the key RCRIS products.

HQ will carry out the following activities to meet these information needs that include:

- Establishing RPOs as central point of contact for communication to the Regions;
- Distributing monthly RCRIS progress reports to full Regional audience;
- Continuing to work with NGA as a vehicle for keeping States informed, in concert with the Regions attending meetings of RCRA Branch Chiefs & Division Directors to provide information on RCRIS status and problems;
- Disseminating all major RCRIS products to the Regions through the RPOs;
- Conducting conference calls with RPOs as needed; and
- Conducting periodic visits to the Regions.

In FY 1990 a number of important activities must take place, both prior to conversion to RCRIS and following its implementation. Detailed guidance is (or will be at the beginning of FY 1990) available for each required activity, as indicated under "List of Applicable Guidances" at the end of this Section.

EPA Headquarters will provide the technical and planning lead for RCRIS following completion of the RCRIS national implementation framework. Specific implementation plans must be initiated by the Regions and States. The purpose of each plan is to document the strategies and planned activities involved in the preparation for and completion of system implementation within that Region/State. The plan should also include a schedule for the performance of all activities (e.g., data base initialization, reporting schedules, data collection/cleanup), a description of the architecture proposed for the system (hardware/software/telecommunications), data administration/ coordination organization, and training needs. Regions and States must include schedules and plans for RCRIS implementation in their FY 1990 grant negotiations.

Regardless of whether a State will conduct manual operations initially or not, the Regions and States must negotiate the schedule for automation. This includes equipment upgrades, personnel for data review/collection, personnel for system administration, and others. The most critical factor will be a clear understanding of the respective roles in ensuring data accuracy and integrity. It is expected that data cleanup will continue in the RCRIS environment (data from HWDMS will be converted followed by cleanup by the Region or State using RCRIS automated tools). The completion of these "cleanup" activities will be defined by the grant negotiations in context of the RCRIS framework.

Regions must set aside 5% of the total Regional grant allocation to support RCRIS activities in States. Regions need not allocate 5% to each State or include each State in this funding activity but should negotiate commitments and funding based on the status of a State's program and the State's needs.

Biennial Report Requirements

A project to assess biennial reporting requirements was initiated in July 1986. The assessment included program functions being supported by data acquired through the Biennial Report. Since that time, extensive discussion and consultation, facilitated by the National Governors' Association (NGA) Advisory Council, has taken place among EPA Headquarters, Regions, and States. This project, known as the Biennial Report Data System (BIRDS) is focused on the collection and use of data about waste generation and management practices, waste characteristics and periodic updates of handler operational status.

Primarily because of funding constraints, in November, 1988, OSW initiated a senior-level management review of the direction of the project. The major question addressed was the need for establishing of a National Data Base, especially a data base consisting of facility-specific information. A number of decisions were made in the course of this management review:

- the role of biennial reports in support of national needs for information on the waste generation, and in support of management system needs to be assessed in the context of a comprehensive information management strategy; and
- the on-going process of consultation among EPA Headquarters, Regions, States and industry needs to be continued.

A formal decision on the role of the Biennial Report in support of National data needs has not yet been reached. The process will require continuing and extensive consultation with Regions and States. However, this does not eliminate the statutory and regulatory requirements for reporting by the regulated community of TSD facilities and generators.

Implementation of the Biennial Reporting requirements spans a two-year cycle of activities for Regions and States. Throughout this two-year cycle, authorized States are responsible for program implementation activities. EPA Regional Offices are responsible for program implementation activities in unauthorized States, unless such responsibilities are delegated to the States through Cooperative Agreements. EPA Regions also are responsible for program oversight activities where States are implementing the program. A summary of FY 1990/91 Activities is attached; activities relevant to the establishment of a National Data Base, and associated data transfer from implementers to overseers, are identified as being under review. Additional guidance, providing details on specific activities for FY 1990, will be provided separately, subsequent to completion of the management review.

The activities summarized in the attached table correspond to administration of annual or biennial reporting programs. Authorized States and unauthorized States operating under Cooperative Agreements may choose to administer alternative reporting mechanisms (e.g., manifest systems, supplemental permit systems, waste registration systems) in lieu of or in conjunction with annual/biennial reporting systems, provided that all data included on EPA 1985 Biennial Report Forms or necessary to complete 1985 State Biennial Program Reports are obtained for the 1989 reporting year.

HSWA expanded Biennial Reporting requirements to include Waste Minimization reporting by all RCRA large quantity generators. HSWA-authorized States are responsible for implementing EPA-designated 1989 Waste Minimization reporting requirements. Regional Offices are responsible for administering Waste Minimization reporting requirements in States not authorized under HSWA. Headquarters will incorporate Waste Minimization reporting elements into the 1989 EPA Biennial Report forms package, and will also provide a stand-alone Waste Minimization package to assist States that elect not to use EPA's 1989 Biennial Report package. As in the case of other biennial reporting requirements, States may elect to develop and administer their own reporting mechanisms to obtain waste minimization data, provided that the data requirements reflected by the EPA Waste Minimization forms are satisfied in their entirety.

Activities associated with the 1989 State Biennial Program Report requirements, including implementer data transfers to oversight, are subject to revision based upon the conclusions of the management review. Final guidance on these requirements will be provided once a formal decision is reached.

Summary of Biennial Report Activities for 1989 Reporting Cycle

Activity	Responsible Party (1)
Required (in FY 1990)	
Develop Biennial Report and stand-alone Waste Minimization packages by 7/31/89	HQ
Provide GPO-printed copies of Biennial Report Package and Waste Minimization packages by 11/30/89.	HQ
Mail reporting forms by 12/31/89	I
Provide Telephone Assistance to Respondents 1/1/90 - 4/30/90	HQ
Track Dead Mail	I
Receive Reported Data	I
Process Reported Data	I
Follow Up on Non-Response/ Incomplete Response	I
Under Review (in FY 1990)	
Transmit data to Oversight	I
Under Review (in FY 1991)	
Load Transmitted Data into National Data Base	O
Audit Transmitted Data, Transmit Audit Reports to Implementers	O
Follow Up on Errors Identified on Audit Reports	I
Release 1989 National Report	HQ

(1) I = Implementers (States or EPA Regional Offices)
O = Oversight (EPA Regional Offices)
HQ = EPA Headquarters

Other Reporting Requirements

As in FY 1989, Regions and States will be required in FY 1990 to submit, on a quarterly basis, detailed information concerning enforcement of land restriction regulations. Guidance on reporting this information can be found in "Land Disposal Restriction Reporting Requirements," from W. Porter to the Regional Administrators, dated 9/16/88.

The quarterly reporting of Off-site Policy information by the Regions will also continue in FY 1990. Guidance on this can be found in "Identification of Facilities that Could Potentially Receive Superfund Wastes," from J. Z. Cannon to Waste Management Division Directors, dated 9/9/88.

Regions will be required in FY 1990 to report to EPA Headquarters the quarterly enforcement status of surface impoundments. Guidance on this may be found in "Enforcement Strategy for Surface Impoundment Retrofit Requirements," from B. Diamond to Hazardous Waste Division Directors, dated 9/29/88. Reporting requirements in this area may be reduced in FY 1990.

9.4 Major Activities

Headquarters:

- Establish specific 1989 Biennial Report data requirements, by 7/30/89.
- Develop 1989 EPA Biennial Report and stand-alone Waste Minimization packages by 7/30/89.
- Provide GPO-printed copies of 1989 EPA Biennial Report and Waste Minimization packages by 11/30/89.
- Provide toll-free telephone assistance to respondents required to complete EPA Biennial or Waste Minimiziation Reports for the period of 1/1/90 to 4/30/90.
- Review and negotiate FY 1990 SPMS commitments.
- Issue guidance on RCRIS activities for FY 1990.

Regions and States:

- Exchange copies of: all land disposal facility inspection reports (CMEs, CEIs); administrative complaints, orders and judgments against HPVs; and other reports deemed necessary by the Region.
- States are to submit the following to their respective Regions: reports of inspections resulting in determination of significant violations of corrective action requirements in permits or orders; significant violations of land ban requirements; and reports on surface impoundment retrofits.

- Regions are to submit copies of Regional administrative complaints, initial orders, and final orders to the Director, RCRA Enforcement Division, OWPE.
- Implement biennial and waste minimization reporting requirements.
- Submit draft FY 1990 SPMS commitments by July 15, 1989; negotiate and finalize FY 1990 SPMS commitments by September 1, 1989.

9.5 List of New and Proposed Regulations

Not applicable.

9.6 Relevant Guidance Documents

- RCRIS System Installation Guide
- Pilot Evaluation Criteria
- Pilot Change Control Procedures
- RCRIS Administration Handbook
- Functional Requirements for RCRIS Modules 1-7 (i.e., Handler Identification, Permitting/Closure/Post-Closure, Compliance Monitoring and Enforcement, Data Quality/Data Management, Corrective Action, Facility Management Planning, and Program Management.)
- HWDMS-to-RCRIS Conversion Technical Specifications.
- RCRIS Data Element Dictionary (on-line, i.e., Mainframe)
- RCRIS System Bench Marking Results
- Framework for National Implementation
- Technical Specifications for RCRIS Modules
- Merge Data Base Requirements
- Parallel Operation for HWDMS and RCRIS (Requirements)
- Results from the Region 4 Field Tests
- RCRIS System Architecture Paper
- RCRIS Communication Strategy

E. REGIONAL/STATE INITIATIVES NOT COVERED BY NATIONAL PRIORITIES

1. Overview

Although national initiatives are the cornerstone of EPA's programs, the Agency nonetheless recognizes that differing environmental conditions and concerns across the country often require the Regions and States to develop their own initiatives. OSWER encourages these initiatives, some of which are indicated below.

2. Initiatives

a. Minimize Wastes and Improve Data on Waste Generation (Regions VI and X)

b. Off-Site Capacity and Incinerators (Regions V, VI, and VIII)

c. Authorization of Non-Authorized States (Region IX)

d. Prioritize Ground-Water Facilities for Corrective Action and Risk Assessment (Similar to Environmental Priorities Initiative but does not include Superfund) (Region III)

e. Major Energy Facilities (Region X)

f. Military Facilities and Incineration of Nerve Gases (Region VIII)

g. State Corrective Action Activities (Region V)

h. Pilot Planning Initiative -- Corrective Actions and Environmental Priorities Initiatives (Region I)

i. U.S./Mexico Environmental Agreement (Region VI)

j. Mining Waste (Region VIII)

k. Chesapeake Bay (Region III)

l. Great Lakes (Region V)

m. Medical Waste (Regions II and V)

III. ENVIRONMENTAL INDICATORS

A. SUPERFUND (OVERVIEW)

The Office of Emergency and Remedial Response has been working with the Office of Management Systems and Evaluation to develop environmental indicators for the Superfund program. Beginning in FY 1990, the program will begin to compile data on at least two or three indicators. OMSE is currently developing an implementation plan to determine which indicators should be reported on, the appropriate reporting frequency, the universe of sites to be reported on, and the mechanism for reporting.

The two or three indicators which will be reported on in FY 1990 will be chosen from the following list. These eight indicators have been judged to be most promising for implementation due to their usefulness, practicality, and credibility:

- Reduction in concentrations of environmental contaminants;
- Amount of waste/contaminated material treated or removed;
- Comparison of residual concentrations with health standards and criteria;
- Comparison of residual concentrations with ecological criteria;
- Bioassays for measures of reduced ecotoxicity;
- Immediate reduction in exposure of human populations;
- Reduction of contaminant residue levels in fish and other biota; and
- Reduction of exposure pathways.

B. RCRA (OVERVIEW)

The Office of Solid Waste has completed a draft report designed to assess potential environmental indicators suitable to the RCRA program. Indicators proposed for monitoring reflect the basic elements of the RCRA program: progress of EPA's administrative or regulatory actions; effectiveness of owner/operator waste management practices; and prevention of harm to human health and the environment. Also included in the draft is a proposed monitoring strategy that will provide for consistent evaluations of the RCRA program across EPA offices, including interface among OSW, the Office of Water's POTW regulations, and programs dealing with air emissions from hazardous waste facilities.

OSW is now reviewing the paper and has discussed at a senior management retreat various measures of environmental success. Further efforts are required to evaluate these measures and to determine how to incorporate monitoring of these indicators into Headquarters and Regional activities. Also important is the need to carefully review existing information collection and evaluation systems to determine the degree to which they capture significant indicators and serve to adequately monitor the program's success.

U.S ENVIRONMENTAL PROTECTION AGENCY

Office of Solid Waste and Emergency Response

FY 1990 SPMS Measures and Definitions

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1990
RCRA Permitting

OBJECTIVE	MEASURE	SPMS CODE	FREQUE
Make final RCRA permit determination by the statutory deadlines.	Permitting Measures (Report the following for a) land disposal, b) incineration, c) storage and treatment.)		
	Public notice of draft RCRA permit issued. /	R/C-1(a)	Q 1,2 By Re
	Notice of intent to deny RCRA permit issued. /	R/C-1(b)	Q 1,2 By Re
	Notice of availability of closure plan issued. /	R/C-1(c)	Q 1,2 By Re
	RCRA operating permit issued.+ /	R/C-1(e)	Q 1,2 By Re
	RCRA operating permit denied.+ /	R/C-1(f)	Q 1,2 By Re
	Closure plan approved.* /	R/C-1(g)	Q 1,2 By Re
	RCRA post-closure permit issued. /	R/C-1(h)	Q 1,2, By Re

+ This measure requires Regional target for incinerator; and storage and treatment facilities.

* This measure requires Regional target for incinerator and land disposal facilities.

/ Definitions at end of program measures.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1990

Superfund Enforcement Definitions

The Following are Targeted Measures:
Target sites in all three categories. Should a targeted site in category (a) reach a settlement (Consent Decree) prior to referral without settlement, the target for category (a) will automatically be decreased by one, while the target for category (b) will automatically be increased by one. Should a targeted site in category (b) fail to reach a settlement (Consent Decree), and the Region refers the site (without settlement per category (a), then the target for category (a) will automatically increase by one, while the target for category (b) will automatically decrease by one.

(a) Sites with: Section 106 or Section 106/107 Referrals without settlement for RD and/or RA, transmitted Headquarters or to DOJ. These referrals must seek injunctive relief for PRP response at a site. Sites addressed for preliminary relief or penalties do not count toward this target.

(b) Sites with: Section 106 or Section 106/107 Referrals, with settlement (Consent Decree) for RD and/or RA transmitted to HQ or DOJ for judicial concurrence. In addition, credit will be given for those Unilate Administrative Orders (UAO) at sites where the PRP is in compliance, and will be based on the order dat Should the PRP become substantially out of compliance with the UAO, credit will be withdrawn from this category and will be reinstated only when the PRP returns to compliance or will be counted in category only upon a referral to DOJ or OECM.

(c) Sites where Unilateral Administrative Orders are issued for RD and/or RA. The orders must compel the P to initiate site work (i.e. not just for site access). This category counts all orders issued at sites not just those in compliance.

For All Facilities listed on the Federal Facilities Docket

S/E-5* Interagency Agreements Signed, at NPL or Proposed NPL Facilities for RI, FS, RD, RA or RD/RA(s) Only

A site can only receive credit once under this measure. Credit is given for the following when recorded and documented in CERCLIS:
- A signed Interagency Agreement for a RI/FS/RD/RA or RD/RA,
- Issuance of Section 3008(h) Corrective Action Order, **
- Referral of a Section 106 Administrative Order to DOJ for concurrence,
- Issuance of a RCRA permit addressing all releases and all CERCLA requirements ** or
- A formal referral has been made to AA-OSWER for dispute resolution. **

** Not currently tracked in CERCLIS

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1990
RCRA Permitting

OBJECTIVE	MEASURE	SPMS CODE	FREQUEN
Modify permits to maximize expanded capacity and protection of ground water and other environmental media.	Permit Modification Measures _/ (Report following information for all facilities.)		
	Number of significant permit modifications issued year to date.	R/C-2(a)	Q 1,2, By Regi
	Number of significant permit modifications denied year to date.	R/C-2(b)	Q 1,2,3 By Regi
Make decisions on requests for waivers from regulations.	Waiver Requests		
	Number of waiver requests granted year to date.	R/C-3(a)	Q 1,2,3 By Regi
	Number of waiver requests denied year to date.	R/C-3(b)	Q 1,2,3 By Regi

_/ Definitions at end of program measures

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
- FY 1990
RCRA PERMITTING DEFINITIONS

Public notice of draft RCRA permit issued: The date the public notice of draft permit is issued.

Notice of intent to day RCRA permit issued: The date the public notice of intent to deny a RCRA permit is issued.

Notice of availability of closure plan issued: The date the public notice is issued.

RCRA operating permit issued: The date the RCRA permit is issued.

RCRA operating permit denied: The date the RCRA permit is denied.

Closure plan approved: The date the closure plan is approved.

RCRA post-closure permit issued: The date the RCRA post-closure permit is issued.

Number of significant permit modifications denied year to date: Number of significant permit modifications issued EPA or authorized State year to date. Significant permit modifications include those that address one or more of t following: ground water (Subpart F), HSWA corrective action, and expansion/new units.

Number of waiver requests granted year to date: Number of waiver requests granted EPA or authorized State year to Include waivers granted for the following: ACIs, double liner waivers, and/or tank secondary containment waivers.

Number of waiver requests denied year to date: Number of waiver requests denied by EPA or authorized State year to date. Include waivers denied for the following: ACIs, double liner waivers, and /or tank secondary containment waivers.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1990
RCRA Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUE
Improved compliance of hazardous waste handling with RCRA requirements.	Inspections		
	Target and report, year-to-date, the number of Land Disposal facilities that have received an inspection in FY90. (Combined EPA/State target). /	R/E-1(a)*	Q 1,2,3 By Regi
	Target and report, year-to-date, the number of treatment or storage facilities, other than land disposal facilities, that have received an inspection in FY90. (Combined EPA/State target). /	R/E-1(b)*	Q 1,2,3 By Regi
	Target and report, year-to-date, the number of Federal, State, and local government TSDs (including Land Disposal) that received an inspection in FY90. (Combined EPA/State target) /	R/E-1(c)*	Q 1,2,3 By Regi
Ensure that timely and appropriate Enforcement action is taken against SNC's.	Significant Noncompliance - Snapshot		
	Report the number of TSD facilities (including Federal facilities) in SNC at this point in time. /	R/E-2(a)	Q 1,2,3 By Regi
	Of the TSD facilities in R/E-2(a), report the number of TSD facilities that have been addressed by a formal enforcement action, but have not returned to physical compliance. /	R/E-2(b)	Q 1,2,3 By Regi
	Of the TSD facilities in R/E-2(a), report the number of TSD facilities in SNC that have not had a formal enforcement action (to resolve all violations causing the facility to be in SNC) within 135 days of the inspection. /	R/E-2(c)	Q 1,2,3 By Regi

/ Definition at end of program measures.
* This measure requires Regional targets.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1990
RCRA Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQU
Ensure compliance by Federal Facilities.	Federal Facilities - Snapshot		
	Report the number of Federally owned or operated TSD facilities that are in SNC, at this point-in-time. _/	R/E-3(a)	Q 1,2, By Reg
	Report the number of Federal TSD facilities in SNC which have been addressed with one or more appropriate initial enforcement action(s) for all SNC violations, but have not returned to compliance. _/	R/E-3(b)	Q 1,2, By Reg
	Report the number of Federal TSD facilities in SNC which have not had an initial formal enforcement action (to resolve all violations causing the facility to be in SNC) within 135 days of the inspection. _/	R/E-3(c)	Q 1,2, By Reg
	For those Federal facilities where EPA has the enforcement lead, report the number of facilities where the final EPA regional action has been completed within 120 days of the initial action addressing all violations causing the facility to be in SNC. _/	R/E-3(d)	Q 1,2, By Reg
Ensure that violators of the Land Disposal Restrictions are returned to compliance.	Land Disposal Restrictions Noncompliance - Snapshot		
	Report the number of generators generating over 1000kg of waste that receive a Land Ban inspection in FY90. _/	R/E-4(a)	Q 1,2, By Reg
	Report the number of generators that are classified as HPVs due to Land Ban violations. _/	R/E-4(b)	Q 1,2, By Reg

_/ Definitions at end of program measures.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1990
RCRA Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUE
To provide a measure of enforcement activity across all media.	Enforcement Actions		
	Report the number of formal administrative enforcement actions issued, year-to-date, to TSDFs, not including Sections 3008(h), 3013, and 7003. (Report EPA and State separately.)	R/E-5(a)	Q 1,2 By Re
	Report the number of formal administrative enforcement actions issued, year-to-date to TSDFs, under Sections 3008(h), 3013, 7003. (Report EPA and State separately.)	R/E-5(b)	Q 1,2 By Re
	Report the number of State civil and criminal cases filed against Subtitle C handlers.	R/E-5(c)	Q 1,2 By Re
	Note: EPA civil referrals will be taken from the OECM docket system. EPA criminal actions will be tracked by NEIC.		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1990

RCRA Enforcement Definitions

R/E-1(a) Inspections: All operating and 50% of the closed Land Disposal Facilities (except Class I UIC wells, c closed and delisted facilities) must be inspected in FY 1990. Once inspected in FY 1990, a facility should not be recounted in this category. This measure is intended to evaluate whether these facilities have been addressed with a full compliance inspection under RCRA Sections 3007(c), (d) and (e).
(Includes Federal, State and local facilities.)
Inspections to be counted are Compliance Evaluation Inspections (CEIs).

R/E-1(b) Inspections: All Treatment and Storage Facilities (TSFs) owned/operated by Federal/State/local entities and all incinerators (in FY90, we expect all incinerators to be permitted), must be inspected in FY 1990
In addition, inspections must be conducted at TSFs not inspected in FY89.
Inspections to be counted are Compliance Evaluation Inspections.

R/E-1(c) Federal, State and local TSDs: These numbers are a subset of the numbers targeted and reported in (a) and (b). Thus, Federal, State and local facilities are counted both in (c) and in (a) or (b). State inspections of State and Local facilities will not be counted toward this target.

R/E-2(a) SNCs identified during FY90 will be those TSD facilities (including Federal Facilities) that are classif High Priority Violators (HPVs) according to the revised Enforcement Response Policy (ERP). These facili are indicated on the Compliance Monitoring and Enforcement Log. Note: Included are those TSD facilities that are designated HPVs because of Land Disposal restriction violations.
* For the definition of formal enforcement at Federal Facilities, see measure R/E-3.

R/E-2(b) Formal enforcement actions include Section 3008(a) complaints, or equivalent State orders, as well as referrals for judicial action (including criminal) made to the Department of Justice (DOJ), State Attorney General (AG), or other appropriate official. Both administrative orders and judicial referrals count as a formal enforcement action addressing a SNC.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1990

RCRA Enforcement Definitions

R/E-3(a)	SNCs identified during FY90 will be those Federal Facilities that are classified HPVs according to the revised ERP.
R/E-3(b)	Appropriate Enforcement action for a State is a formal Enforcement response as defined under R/E-2(a). Appropriate Enforcement response for EPA is a Notice of Noncompliance to the Federal agency or a 3008(a) complaint to the contract operator of a government owned facility.
R/E-3(d)	Final regional action is a Federal Facility Compliance Agreement (FFCA); or a referral of the oustanding compliance issues to the AA, OSWER for resolution in accordance with the March 24, 1988 Elevation Policy; or a final order with the contract operator of a government owned facility; or a formal regional determination that the facility returned to compliance within 90 days of issuance of the Notice of Noncompliance, and therefore, the FFCA or elevation of unresolved compliance issues is not required.
R/E-4(a)	Applies only to generators generating over 1000KG of waste. The types of inspections that are to be reported under this measure are: Compliance Evaluation Inspections (CEI), sampling inspections, and other inspections that include a land ban check list.
R/E-4(b)	Refer to the ERP guidelines and Land Disposal restrictions guidance for designating generators as HPVs.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1990
RCRA Corrective Action

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure that TSD facilities with releases take appropriate corrective action under either the permitting or enforcement programs.	RCRA Facility Assessment - Report the number of facilities where the RCRA Facility Assessment or CERCLA Site Investigation has been completed. _/	R/J-1	Q 1,2, By Re
	RCRA Facility Investigation (RFI) Imposed - Target environmentally significant facilities for issuance of formal enforcement orders, or permits, requiring RCRA Facility Investigations (RFIs). _/ (Targets are subject to negotiation between Regions and HQ.)	R/J-2*	Q 1,2, By Re
	RFI Workplan Approved or Notice of Deficiency. _/	R/J-3	Q 1,2, By Re
	Interim Measures - Report when interim measures are required of a owner/operator. _/	R/J-4	Q 1,2, By Re
	RCRA Corrective Action Remedy Selected - Report the number of facilities where a corrective action remedy has been selected or determination made. _/	R/J-5	Q 1,2, By Re
	Corrective Action Design Approved - Report the number of facilities where a corrective action design has been approved by EPA or an authorized state. _/	R/J-6	Q 1,2 By Re
	Establish the number of facilities which have an ongoing RFI, CMS or CMI at the beginning of FY 90. Report the Corrective Action oversight inspections at these during FY90.	R/J-7	Q 1,2 By Re

/ Definition at end of program measures.
* This measure requires Regional targets

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1990

RCRA Enforcement Definitions

R/E-3(a)	SNCs identified during FY90 will be those Federal Facilities that are classified HPVs according to the revised ERP.
R/E-3(b)	Appropriate Enforcement action for a State is a formal Enforcement response as defined under R/E-2(a). Appropriate Enforcement response for EPA is a Notice of Noncompliance to the Federal agency or a 3008(a) complaint to the contract operator of a government owned facility.
R/E-3(d)	Final regional action is a Federal Facility Compliance Agreement (FFCA); or a referral of the oustanding compliance issues to the AA, OSWER for resolution in accordance with the March 24, 1988 Elevation Policy; or a final order with the contract operator of a government owned facility; or a formal regional determination that the facility returned to compliance within 90 days of issuance of the Notice of Noncompliance, and therefore, the FFCA or elevation of unresolved compliance issues is not required.
R/E-4(a)	Applies only to generators generating over 1000KG of waste. The types of inspections that are to be reported under this measure are: Compliance Evaluation Inspections (CEI), sampling inspections, and other inspections that include a land ban check list.
R/E-4(b)	Refer to the ERP guidelines and Land Disposal restrictions guidance for designating generators as HPVs.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1990
RCRA Corrective Action Definitions

R/J-1	Report the number of RCRA Facility Assessments (RFAs) completed, ~~or the Site Investigation is done.~~ Date th Director approves the result of the RFA. ~~This can be the date the Director~~ [redacted] ~~the facility whether a RFI will or will not be necessary.~~
R/J-2*	RFI Imposed. Formal enforcement orders include 3008(h) orders, State equivalent orders, Section 3013 orders, Section 7003 orders, CERCLA Sections 104 and 106, or judicial decrees or court orders that require RCRA Facility Investigations (RFIs) at RCRA facilities. Permits include operating and post-closure permits. In some cases permit modifications of earlier State issued permits will count if the modification requires a RFI. Targets will be set through negotiations between Headquarters (HQ) and the Regions.
R/J-3	Report the number of RFI workplans approved or Notices of Deficiencies issued. Letter from the State or EP approving or rejecting the RFI plan prepared by a facility in response to an order, permit or permit modification with a schedule of compliance imposing an RFI obligation upon the facility.
R/J-4	These are remedial activities required of an O/O to: abate, minimize, stabilize, mitigate, or eliminate a release(s) or threat of a release that is initiated prior to selection of a final remedy, and is specified in a permit or enforcement order.
R/J-5	Permit, permit modification, or enforcement order specifying the corrective measures remedy for a facility o a letter from the Director to the facility O/O approving the corrective measures remedy selected by the facility in response to a permit, permit modification, or enforcement order requiring the facility to selec a remedy or a decision based on the results of an RFI that further corrective measures are not necessary.
R/J-6	The action by which the State or EPA approves the corrective measures design.
R/J-7	During FY 1990, each TSD facility with an on-going corrective action (i.e. RFI Workplan Approved) should receive at least one site visit. This visit will be aimed at overseeing at least one of the following activities: well drilling, sampling, treatment, and/or removal activities. The inspection types that count are: CEI, CME, Sampling Inspections, and follow-up evaluations with Corrective Action compliance schedule reviews.